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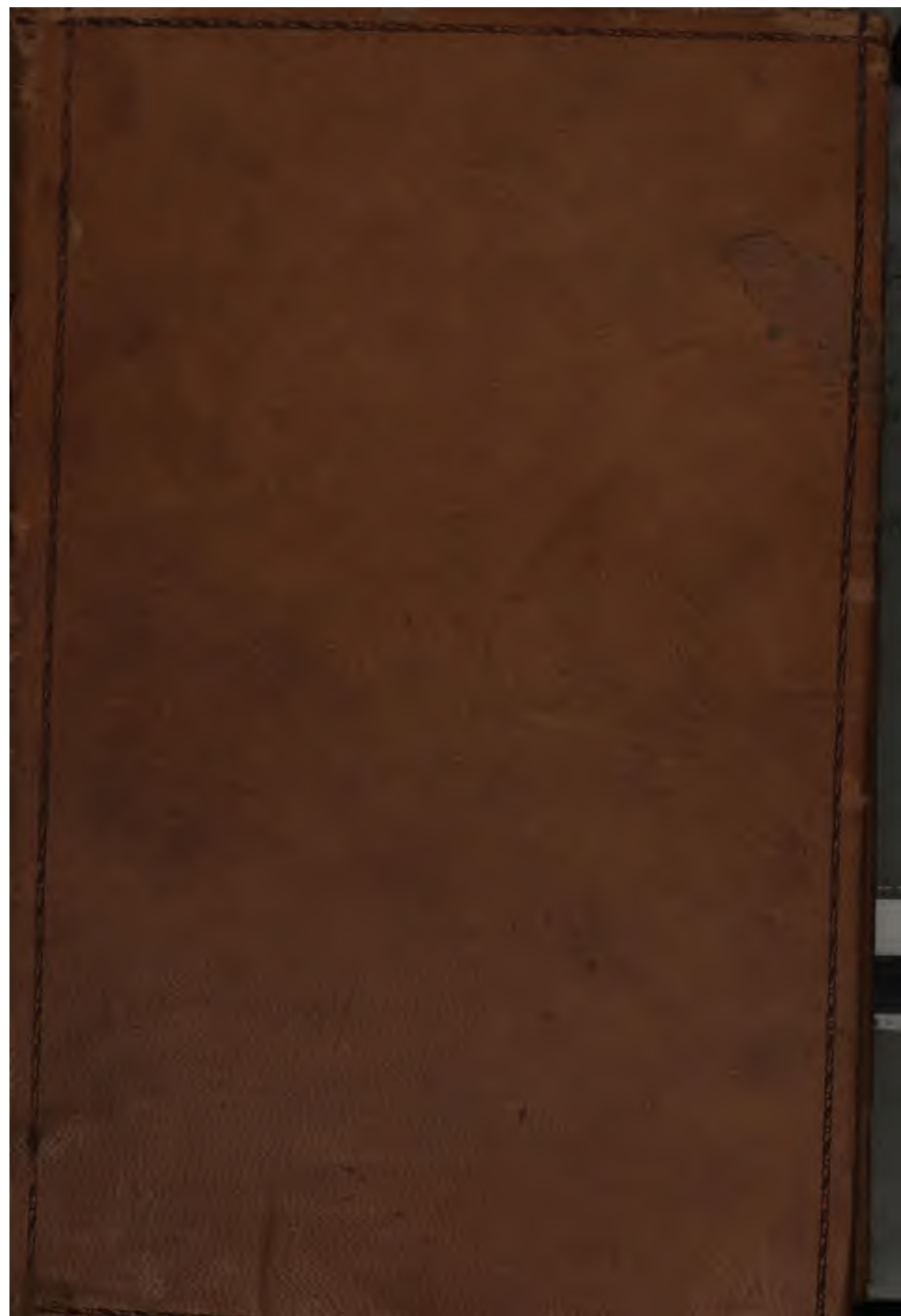
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MISCELLANEOUS DOCUMENTS
OF THE
HOUSE OF REPRESENTATIVES
FOR THE
FIRST SESSION OF THE FORTY-SEVENTH CONGRESS,
1881-'82.
IN 27 VOLUMES.



WASHINGTON:
GOVERNMENT PRINTING OFFICE
1882.

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47TH CONGRESS, } HOUSE OF REPRESENTATIVES. { MIS. DOC. 27,
1st Session. } Part 3.

SESSINGHAUS vs. FROST.

TESTIMONY AND PAPERS

IN THE

CONTESTED-ELECTION CASE OF

SESSINGHAUS vs. FROST,

FROM THE

THIRD CONGRESSIONAL DISTRICT OF MISSOURI.

JANUARY 17, 1882.—Ordered to be printed.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1882.

No. 35.

Pursuant to adjournment, as above stated, on the 24th day of March, 1881, at the hour of ten o'clock in the forenoon, I continued the further taking of these depositions, as follows:

1 BERNARD KRAMER, produced, sworn, and examined on the part of the contestee, deposes and says, to wit:

By Mr. DONOVAN:

Question. What is your full name?—Answer. Bernard Kramer.

Q. How old are you?—A. Fifty-six and a half; nearly fifty-seven.

Q. How long have you lived in the city of Saint Louis?—A. Since 1849.

Q. For how many years have you been a Democrat?—A. Since 1856, when I got my papers out.

Q. Were you twenty-five years a Democrat?—A. Yes, sir.

Q. Have you ever voted in this city?—A. You bet. I never missed it on the election day; I always voted the Democratic ticket.

Q. Were you ever registered?—A. Of course I was registered, when the law come up, with many in the same house; I don't need to be registered over again.

Q. Where did you live on last election day?—A. 1612 North Sixteenth street.

Q. You obtained a transfer to that residence?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir; I voted under protest.

2 Q. Did you go to the polls on election day?—A. Of course I did.

Q. Where were those polls?—A. On Fourteenth and Salisbury; at the North Saint Louis Turner Hall.

Q. Did you find your name on the list?—A. They couldn't find it.

Q. It was struck off?—A. It was not on it at all, sir, they said.

Q. Did you offer your ballot?—A. I did, several times.

Q. And you say the judges received it under protest, because you were not on their list?—A. They wouldn't receive it at all; but I throwed it in the window.

Q. Did you write your name on the back of your ticket?—A. Yes, sir.

Q. And it was given to the supervisor?—A. Yes, sir.

Q. It was not put into the box?—A. No, sir; I put on "protested" after my name and address where I live, then they throwed it on the table; whatever they done with it I don't know.

Q. Did you tell the judges that you had been a voter for twenty-five years?—A. I did, sir.

3 Q. Did you know any of the judges?—A. I knowed one of them for about fifteen years, and some of the others for twelve years; and some of the clerks for eight years.

Q. Do you understand why your name was left off the list?—A. Because it was not stricken off in the Fourteenth ward.

Q. Do you know why your name did not appear at that poll when you had got a transfer at the city hall to that poll?—A. No, sir; it was not on the poll where I had a right to vote, district 165.

Q. So the vote was received, but under protest, placed on the table, and not counted?—A. Yes, sir.

Q. For whom did you vote ?—A. The Democratic ticket all over. I struck out one or two men. I always voted for Mr. Frost; I am personally acquainted with him.

Q. You voted for Frost ?—A. Yes, sir; I seen him the day before, or two days.

Q. And voted for him at previous elections ?—A. Yes, sir.

Cross-examination by Mr. POLLARD :

Q. What is the number of the precinct, do you know, that you went to vote ?—A. No. 165.

Q. And that was on the corner of Fourteenth and Salisbury streets ?

—A. That was on the corner of Fourteenth and Salisbury streets.

4 Q. And that is where you did vote ?—A. Yes, sir.

Q. Did you vote the Chronicle ticket there that day ?—A. I voted the Democratic ticket.

Q. It was a Chronicle ticket, was it not ?—A. It had Frost's name on it; I don't care much about the other names on it; I promised him I would do all I could for him; I always vote for Frost.

Q. You say you came to this country in 1849 ?—A. Yes, sir.

Q. From Europe ?—A. Yes, sir.

Q. You were born there ?—A. Yes, sir.

Q. Did you read your ticket through, Mr. Kramer ?—A. Well, I can't say whether I read it through—all the names or not. I may have stricken out one or two; I don't recollect. I know sure that I didn't strike Mr. Frost's name out.

Q. Did you strike out any names on the ticket ?—A. May be I did; I don't recollect; sometimes you got men on the other ticket that I prefer, and in that case I would make a few alterations, but I am sure that I never struck off Mr. Frost's name.

Q. Do you know who else was on your ticket ?—A. I couldn't recollect now. If I had the ticket I could tell you who I voted for. I didn't bother myself with it. The only object I had was to vote for Frost and Hancock. Those were the two men I voted for, and I didn't care much about—

5 Q. Hancock's name was on the ticket and so was Frost's ?—A. Yes, sir; both Hancock and Frost.

Q. Whether anybody else's name was on it you don't know ?—A. No; I don't know.

Q. When you went to the polls they told you that your name had been stricken off ?—A. Not stricken off, but they said they couldn't find it.

Q. That your name was not there ?—A. That my name was not there.

Q. So they took your vote but didn't count it ?—A. They put it on the table.

Q. Whether they afterwards put it in the box you don't know ?—A. I put it in the room without their consent; I didn't wait to see whether they counted it or not.

Q. How long did you stay there after you deposited your ballot ?—A. I was there three or four times.

Q. After they took your ballot, how long did you stay ?—A. I went right straight home.

Q. You didn't stop, then, to see what they did with it ?—A. No, sir; I didn't stop there more than two minutes.

By Mr. DONOVAN :

Q. Well, they put it on the table, you say ?—A. I put it on myself.

Q. You gave it through the window, and the judge put it on the table, but didn't put it in the slit in the box?—A. No, sir; he didn't put it in the slit in the box. I put it on the box.

Signature waived.

6 CHARLES BELCHER, produced, sworn, and examined on the part of the contestee, deposes and says, to wit:

By Mr. DONOVAN:

Question. Your full name, please, Mr. Belcher?—Answer. Charles Belcher.

Q. How old are you?—A. Twenty-six.

Q. Where do you reside?—A. 1112 North Eleventh street.

Q. For how many years have you resided there?—A. About sixteen.

Q. Were you registered from that house?—A. Yes, sir.

Q. Did you vote from that house?—A. Yes, sir.

Q. Did you go to the polls on election day last?—A. Yes, sir.

Q. I mean the election held on November 2?—A. Yes, sir.

Q. Did you present your ballot there?—A. Yes, sir.

Q. Did the judges look on the list and see whether your name was stricken off, or was on their books?—A. Yes, sir.

Q. What did they say to you?—A. They said it was not there.

7 Q. It had been there before?—A. Yes, sir.

Q. And you hadn't moved?—A. No, sir.

Q. What did they do with your ticket? What did they ask you to do with it?—A. I signed my name and gave them my ticket, and my number, and they folded it up, and I had to sign my name, and left it lying on the table, and went off.

Q. They didn't put it in the box?—A. No, sir.

Q. What sort of a ticket was it?—A. It was a straight Democratic ticket.

Q. With Frost on it for Congress?—A. Yes, sir.

Q. Do you know the number of your polling precinct?—A. No, sir; I do not.

Q. Where was the poll located?—A. Tenth and Wash. I know the ward.

Q. What is the ward?—A. Fourth ward.

Cross-examination by Mr. POLLARD:

Q. Mr. Belcher, is there any other man by the same name living at 1112 North Eleventh street?—A. No, sir.

Q. Is there any man by the name of Charles Belcher living in that precinct?—A. I don't believe there is.

8 Q. What is your business?—A. Paper hanger.

Q. Are you a married man?—A. No, sir.

Q. Who do you live with there?—A. With my mother.

Q. Do you live in the front or rear?—A. I live in the rear; that is, it is not in the alley, but it has got rooms—four rooms—the house that I live in, and I live in the two back rooms from the street.

Q. Who lives in the front of the house?—A. John Dennerlein.

Q. Had you ever voted before from that precinct?—A. Yes, sir; four years ago; and I voted from there this last President's election.

Q. When did you register at the city hall?—A. I never did register at the city hall; I registered at the polls.

Q. When did you register at the polls?—A. Four years ago, and this time—this last November.

Q. You registered then at the polls?—A. I registered at the polls.

Q. But never had been registered before?—A. I had never been registered before at the city hall; but I was registered twice at the polls.

Q. You never got any transfer at all from the city hall?—A. No, sir.

9 Q. And when you went to the polls they told you that your name was not on the books?—A. Yes, sir.

Q. And then what did you do?—A. I found that I couldn't vote, then they told me they would take my vote, and I went inside, in the room—the polls was in a bar-room—I went in there; they had a table back from the receiving judge, and there they took my name and number, and made me write my name on the ticket, folded it up, and I left it laying there on the table; I don't know what they done with it, whether they put it in the box or not.

Q. That is all that you did?—A. Yes, sir.

Q. That is everything that occurred there?—A. Yes, sir.

Q. Where did you say this polling place was located?—A. Tenth and Wash.

Q. Which side of Tenth?—A. It was on the northwest corner, at the saloon; it was the second door from the corner of Wash; but it was in the saloon; there is two entrances to the saloon; one on the side, and one on the corner; this was the next door from the corner.

Q. Do you know how your name happened to be stricken off?—A. No, sir; I do not.

Q. You don't know anything about that?—A. No, sir.

Q. What ward is that in?—A. Fourth ward.

10 Q. Do you know who was the reviser for the Fourth ward?—A.

I know that man; his name was Klausman; he owns the saloon.

Q. He is the reviser for that ward?—A. Yes, sir.

Q. Did you ask him why your name was taken off?—A. No, sir.

Q. Then you never had registered at the city hall at all?—A. No, sir.

By Mr. DONOVAN:

Q. But you had registered at the polls and voted before?—A. Yes, sir; four years ago; this last election four years ago.

Q. And when you offered your ballot at the window the judges said your name was not on the list?—A. They said my name was not there.

Signature waived.

11 WILLIAM WAGNER, produced, sworn, and examined on the part of the contestee, deposeth and saith, to wit:

By Mr. DONOVAN:

Question. What is your name?—Answer. William Wagner.

Q. How long have you been living in the city of Saint Louis?—A. I was born here, sir.

Q. How old are you?—A. I am forty years old; last 5th of January was my birthday. I was born in Saint Louis.

Q. Where do you live now?—A. No. 2119 East Nineteenth street, in the rear.

Q. How long have you lived there?—A. I have lived there between three and four years.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. Them polls was on North Market street, between Nineteenth and Twentieth streets.

Q. Do you know the number of the poll?—A. No, sir; I do not.

Q. That is in the third Congressional district?—A. Yes, sir; in the Fourteenth ward.

Q. Did you offer your ballot there?—A. Yes, sir.

12 Q. What sort of a ballot was it?—A. It was a regular State Democratic ticket right on down.

Q. Did it have Frost on it for Congress?—A. Yes, sir.

Q. What was done with your ballot?—A. I don't know.

Q. What did they say to you there?—A. They took it under protest.

Q. Did you write your name on the back of it?—A. Yes, sir; I wrote my name on the back of it.

Q. Why did they take it under protest?—A. I don't know.

Q. Why did they have any objection to your ballot?—A. Well, they told me to get a change of venue from where I had lived before.

Q. And you had been living right there in the precinct for three years?—A. Three years and a half.

Q. Was your ballot put in the box?—A. I don't know; I gave it to the judges.

Q. But they said they would receive it under protest?—A. Yes, sir.

Q. Well, after you handed it to them did they put it on the table, or in an envelope, or put it on a string?—A. I believe they put it in the box. I don't know where they put it.

Q. What was the idea of putting your name on the back of it?—A. They told me to do it; I went according to the rules of the judges.

13 Q. You don't know what was done with your ballot?—A. No, sir.

Q. They said there was some difficulty about it?—A. Yes, sir.

Q. That your name was not on that polling sheet?—A. It was not, sir.

Cross-examination by Mr. POLLARD:

Q. Where did you live before you lived there?—A. No. 911 Madison street.

Q. Where did you go when you moved from 911 Madison street?—

A. I moved there; directly there.

Q. Right where?—A. Where I live now.

Q. And that is where?—A. 911, right there.

Q. What place?—A. 911 Madison to 2119.

Q. 2119 what street?—A. On East Nineteenth street.

Q. How long did you live at 911 Madison?—A. I lived there about two years.

Q. About two years?—A. Yes, sir.

Q. Did you ever vote while you lived there?—A. Yes, sir.

Q. At what election did you vote while you lived there?—A.

14 Well, I couldn't just tell you what election I voted, and I can't tell you who I voted for. Mr. Overstolz, the first election that he run, the polls was there in that wood-yard of McGinnis' or some such name. There is where I voted, and was sworn in there, too.

Q. You were registered there at that poll?—A. Yes, sir.

Q. And never did go to the city hall to register?—A. No, sir.

Q. Now what year did you move to 911 Madison street?—A. It has been about three and a half years now. Well, it is three years ago.

Q. Who do you rent from now, Mr. Wagner?—A. From Mrs. Prev; she is a widow.

Q. What is the number of your poll where you went to vote?—A. I don't know, sir.

H. Mrs. 27—119

Q. Anyhow, when you went there they told you, of course, you had never transferred, and you never had got a change of venue at all; which is a fact, you never took one?—A. No, sir; they took me under protest.

Q. How far apart are 911 Madison and 2111 East Nineteenth?—A. I guess it is about nine blocks, aint it?

Q. They are not in the same voting precinct?—A. No, sir; I am now in the fourteenth and that was the sixth precinct. They used to be the same ward.

Q. Are both those places in the same ward?—A. It used to be the fifteenth.

15 Q. But now they are in different wards?—A. I live now in the fourteenth precinct, and then I lived in the sixth precinct.

Q. What ward do you live in now?—A. The Fourteenth ward.

Q. And when you lived at No. 2111 East Nineteenth street, that now is in the Sixth?—A. No, sir; it is still in the Fourteenth.

Q. But they are in two different precincts?—A. Yes, sir.

Q. And you didn't get a transfer from one to the other?—A. No, sir.

Signature waived.

16 LOUIS SCHMIDT, produced, sworn, and examined on the part of the contestee, deposeth and saith, to wit:

By Mr. DONOVAN:

Question. Give the notary your full name, please.—Answer. Louis Schmidt.

Q. You live in the city of Saint Louis?—A. Yes, sir.

Q. How old are you?—A. Fifty-three years old.

Q. How long have you lived in the city of Saint Louis?—A. Fifteen years this 16th of March.

Q. Have you ever voted in the city of Saint Louis?—A. Yes, sir.

Q. How many times?—A. For ten years—yes, for fifteen years. I lived on Fourteenth and Benton.

Q. Where are you living now?—A. Between West Sixteenth and West Twentieth on North Market.

Q. How long have you been living there?—A. Since the 23d of August, 1880.

Q. Did you go to the polls on election day?—A. It was the first poll—the first time I vote from there; yes, sir; I went to the poll.

Q. Where were those polls?—A. It is middle of the block; near

17 Twentieth street; on North Market; right close; not far from that frame house.

Q. About how far?—A. Seven houses between.

Q. Did you offer your ballot at the polls?—A. Yes, sir; I did that.

Q. What sort of a ticket was it?—A. Frost ticket.

Q. What did the judges say to you?—A. When I came there the judges asked me my name. I told them Louis Schmidt. Then they asked me where I lived. I told them 1729 North Market. Then they said they could not find my name. Then they told me to go to the corner of Eighteenth and Benton; perhaps my name was there. Then I went to that place, and also to Fourteenth and North Market, but my name was not there, either. They told me at the polls on Fourteenth and North Market what I must do with my ticket; to write my name and address on it and give it to the man inside. So I went back to my original polls. I wrote my name and my house number on the

back of my ticket, and handed it in at the window. What was done with it I don't know.

Q. Did they put it on the table?—A. I don't know. They accepted my ticket, but what they did with it I don't know.

Q. How did your name come to be stricken off the list of voters?—A. I don't know. Henry Bishop took my papers to the city hall and had me registered. He had a number of others at the same time.

18 Q. Was it to be registered or transferred to Seventeenth and North Market?—A. I told Mr. Henry Bishop what I wanted him to do. I know him, Mr. Bishop, for a long time. I told him where I had lived before, and where I live just now, and asked him to attend to it, and to have me registered at the city hall.

Q. Do you mean registered or transferred from where you had formerly lived to 1729 North Market?—A. He had me registered on the place where I now live.

Q. But your name was not on the list when you got to the polls?—A. No, sir; it was not there.

Q. And you have always been a Democrat?—A. Yes, sir.

Cross-examination by Mr. POLLARD:

Q. Where did you live on election day?—A. Here at 1729 North Market street.

Q. How long have you lived there?—A. From the 23d of August, 1880.

Q. Where did you live before you went there?—A. Fourteenth and Benton, where I lived fifteen years.

Q. You were registered from Fourteenth and Benton street?—A. I was registered at the polls when I registered from Fourteenth and Benton streets.

Q. But you never had registered at the city hall?—A. No, sir; I went there to have my citizen's papers fixed; no, sir; never went there to get registered. Mr. Bishop promised to attend to that.

19 Q. You went on election day, then, to three different polling places?—A. Yes, sir; three different polling places.

Q. You went to the polling place on Fourteenth and North Market?—A. Yes, sir.

Q. And there you handed them in a ballot, after writing your name on the back of it?—A. They told me at Fourteenth and North Market that I should put my name on the back of my ticket at my poll at Twentieth and North Market, and they must then take it.

Q. Did you go to the polls on the corner of West Sixteenth and Montgomery and Saint Louis avenue—on the corner of the alley?—A. No, sir; I didn't go there; I only went to these three.

Q. And you never got any transfer at all from where you used to live before, on Benton street and Fourteenth, to where you now live?

Mr. DONOVAN. I object to that question inasmuch as he has already stated that Mr. Bishop attended to that matter for him?—A. No, sir; not until I went up this last summer, when I moved; then I went to the city hall and offered to register.

By Mr. POLLARD:

Q. Did you register at the city hall?—A. I went there, but I had forgotten my citizen papers, and they wouldn't register me.

Q. So you did not register at all?—A. I didn't; Mr. Bishop attended to that for me.

Q. You mean that you directed Mr. Bishop to attend to it for you, but it seems that he *did not attend to it*, because your name was not

on the list when you went to vote. If he had attended to it
20 your name would have been on the list?—A. He told me he had
attended to that and several others. He promised me that he
had done so. If this was done then Bishop would not be to blame.

Q. Well, if he had done so your name would have been on the list
or on the book at the polls?—A. Bishop said that was a mistake at the
city hall, not his.

Q. If your name had been transferred, you would have been on the
poll book as a voter?

(Mr. Donovan, the counsel for the contestee, objects to the question
for the reason that it presupposes that the reviser of his ward is infal-
lible, and could make no mistakes in regard to this man.)

A. I can't say; Bishop said it was not his fault; that he attended to
it at the city hall.

By Mr. POLLARD:

Q. But certain it was that you were not transferred?—A. Bishop
states to this day that he had it transferred.

Q. I want to know if you were transferred?—A. My name was not
on the book when I come there; my name could not be found.

Q. And whether Bishop did his duty or not, you don't know any-
thing about it, except what he tells you?—A. Only what he has told
me.

Q. Who is this man Bishop?—A. I don't know his business; he
used formerly to be in a planing mill. He lives on North Market
street near Twentieth.

21 Q. What is his first name?—A. Henry Bishop.

Q. You say you live now on North Market street between Six-
teenth and Twentieth streets?—A. West Sixteenth.

Q. And West Twentieth?—A. And Twentieth.

Q. Are there no streets between Sixteenth and Twentieth?—A. The
streets run very different. Sixteenth is there, but Seventeenth and
Eighteenth are left out, and Nineteenth also; then commences West
Sixteenth that runs through.

Q. Did you go to polling precinct 149?—A. Well, I don't remember
what number it was.

Q. That polling precinct is on the southwest corner of the alley and
West Sixteenth street, between Montgomery and Saint Louis avenue.
—A. No, I wasn't there; I didn't go there.

Q. How far is that place from where you live?—A. It may be eight
houses as I already stated.

Q. Which corner did you live on when you lived on Fourteenth and
Benton?—A. Southeast; 1400 Benton street; fifteen years. I have
always lived there, and my vote was always right, and my name was
there.

Q. You lived then, when you lived on Fourteenth and Benton street
in a different precinct from what you live in now?—A. No, sir; it is
only another block.

Q. How far apart are the two places?—A. First comes Ben-
22 ton, then comes the North Market—four or five blocks.

Q. Those two places are not in the same voting precinct?—A.
No, sir; I had to go to another poll.

By Mr. DONOVAN:

Q. On account of your difficulty in speaking English, Mr. Pollard
has attempted to confuse you, and has succeeded, I think, in making

you say that you were not registered in the city at all, although you voted for ten years here?—A. Yes, sir.

Q. Now, have you not been registered during those ten years?—A. I have been three times, but never at the city hall.

By Mr. POLLARD :

Q. You left Fourteenth and Benton street about two years ago?—A. No, not until 1880, in August.

Signature waived.

23 JOHN O'FALLON CLARK, produced, sworn, and examined on the part of the contestee, deposeth and saith, to wit :

By Mr. DONOVAN :

Question. What is your full name?—Answer. John O'Fallon Clark.

Q. You reside in the city of Saint Louis?—A. Yes, sir.

Q. Mr. Clark, how long have you lived in the city of Saint Louis?—A. I was born here, and have lived here ever since, except three or four years when I went to school.

Q. About how many years is that?—A. I will be living here now nearly thirty years.

Q. What is your business?—A. Not in business at present.

Q. You are a property owner here, are you not?—A. Well, I was, and my wife is; I am not, individually, at present.

Q. Were you a member of any board of revision held just previous to the last November election?—A. Yes, sir.

Q. What ward did you represent?—A. The Third ward.

Q. That is not in the third Congressional district?—A. It was in the second, I think. It was not in Frost's district.

Q. Were you acquainted with any of the members of that board of revision?—A. Yes, sir; a good many of them.

Q. What, in your judgment, was the standing of those men as good citizens in this community?—A. I thought they were upright, honest men.

Q. Did you attend the meetings of the board?—A. I attended all but the first, I think I didn't get my notice in time to attend the first. I got it, but failed to attend. I don't remember the circumstances. I attended all the others.

Q. Was your ward a large ward, or a small one, Mr. Clark?—A. I think about three thousand voters. I don't know exactly.

Q. You are not certain about how many voters there are in the ward?—A. No, sir.

Q. Did you have assistance in the revision?—A. Yes, sir.

Q. Who did you have to assist you?—A. Well, I had Mr. Phelan at first, and Mr. Banneman.

Q. You had two assistants?—A. Yes, sir.

Q. Had you ever been a member of any board of revision before that one of last fall?—A. No, sir.

Q. To what extent did you work yourself in the matter?—A. I did all I could. My method was this: My assistants would go around and they would report a person not found or removed, and I would go and see about it.

25 Q. After your assistants would report to you, you would endeavor to ascertain whether their reports were correct?—A. Yes, sir.

Q. Did you have confidence in your assistants?—A. Yes, sir.

Q. Were they honest men?—A. I think so.

Q. That is the reason you selected them?—A. Yes, sir.

Q. Were they recommended to you?—A. These two men were recommended to me.

Q. About how many names did you have to erase from the registration sheet on account of removals, deaths, and other causes, Mr. Clark?—A. I think there were about seven hundred. A great many were from buildings that had been removed in the Third ward, near those railroad tracks, to other places; those houses having been torn down.

Q. In the neighborhood of the Union depot?—A. No, no; in the neighborhood of the Iron Mountain road.

Q. The railroad improvements there caused the destruction of a great many buildings?—A. The railroad purchases there, and the improvements, and several factories having been built there now, caused a great many of the names of persons who used to live in that locality to be stricken off, they having removed.

Q. You made your report every day to the board, or every other day, or how, or as soon as you got through with it?—A. My names were reported at once.

Q. When you were ready with your list you handed it in?—A. Yes, sir.

Q. Did the board act on your recommendations under the general rule?—A. Yes, sir.

Q. Under a general rule which they formulated at the opening of their sessions?—A. Yes, sir.

Q. Your list was handed up to the secretary when your ward was called?—A. Yes, sir.

Q. And the recommendations on that list, that they be stricken off, was adopted by the board?

(Mr. Pollard, counsel for the contestant, objects to the question on the ground that it is leading to a witness who certainly knows as well what he did as the counsel for the contestee; and who knows thoroughly well how to express it, and is a gentleman who is not only willing, but anxious to tell exactly what did occur there, and does not require the suggestions of the counsel.)

By Mr. DONOVAN:

Q. Inasmuch as you haven't exhibited the slightest bit of anxiety, or betrayed the slightest particle of willingness to volunteer testimony, I have been asking you these questions only to facilitate this examination; inasmuch as we know about these matters from other witnesses,
27 I just ask you your mode of procedure?—A. I stated that if my list was finished I would hand it in; if I had not my list I would report progress and make no report.

Q. And if you had any?—A. I would simply hand in my list, and that would be acted on, as all the other lists were.

Q. Now, were these names published in the newspapers?—A. They were published in the newspapers here; for instance, every list was considered as correct; that is, it would be called correct; if anybody came in and said that he had been stricken off through mistake we would simply take his name and address, and hand that in as a corrected list.

Q. How many complaints were made of your revision, and how many complaints did you hear in the board of revision?—A. Very few.

Q. What did you do in regard to them?—A. Well, Mr. Dye came up to me once or twice in the board of revision and said mistakes were made in the names of persons being stricken off; a party was with him;

we asked this man if he lived there yet; then we made this corrected list, of which I have just been speaking, and handed it in and that was corrected on the revision.

Q. This was done on the recommendation of Mr. Dye?—A. I just happened to think that he was one of the parties that came there; there were one or two parties.

Q. Mr. Dye is a prominent Republican, is he not?—A. I really don't know. At that time I suppose he was.

23 Q. He was a representative of the Union League, the Republican organization here in charge of that election?—A. I didn't know it at the time; I supposed he was a Republican.

Q. Well, how many complaints did you hear altogether in regard to your revision?—A. Well, sir, I don't think there was very many; not a dozen; in fact I didn't hear of but three or four.

Q. Was there any disposition on the part of any member of that board of revision to do other than his duty faithfully?

(Mr. Pollard, counsel for the contestant, objects to the question on the ground that it is leading and improper; let him state what he did.).

A. What I saw in the board was that everything was conducted as uprightly and properly as possible. I never acted on a board before. I didn't want to act on that board, because I was not in politics; but I was asked to act by both committeemen—the Republican committeeman and the Democratic committeeman.

Cross-examination by Mr. POLLARD:

Q. Mr. Clark, about how many members of the board did you know personally?—A. I suppose about a dozen.

Q. Those men were men who behaved themselves like gentlemen?—A. Yes, sir.

Q. The other men; all you knew about them was what you saw of them there in their action before the board?—A. Yes, sir.

29 Q. Their actions would indicate that they were gentlemen?—A. Yes, sir; I stated that everything that I saw done there was conducted in the most upright manner, so far as I knew.

Q. What time did you commence your work; you say you didn't attend the first meeting; what time did you commence your work; did the board meet on the second day?—A. Yes, sir.

Q. Then you commenced your work before you ever met with the board?—A. Yes, sir.

Q. Do you remember the exact number of voters in your ward, Mr. Clark?—A. I don't remember them; my impression is that there were about three thousand; I don't know.

Q. 2441 was the number of voters as reported the morning of the election in one of our city papers; will you please state if that is probably correct.—A. I think that many could have voted.

Q. I will change my question: The Missouri Republican, on the morning of the election, published a statement which showed that there had been registered in the Third ward 2441 voters; is that, in your opinion, about the correct number?—A. Yes, sir; just as I stated. I think that at that time there was about three thousand voters that could possibly have voted; it may not have been quite so many.

30 Q. If the statement was published that morning as semi-official in the leading Democratic paper of this city as being the exact number of voters who had registered in that ward, you believe it is substantially true and correct, do you not, Mr. Clark?—A. Yes, sir; I see no reason to disbelieve it.

Q. The same paper on the same day published a statement that there were stricken off in the Third ward 872 voters; state whether or not that in your judgment is correct?—A. My remembrance is that it was in the neighborhood of 800 that was stricken off.

Q. Well, that is probably the exact number, is it not?—A. Yes, sir; I think so.

Q. You say Mr. Phelan and Mr. Banneman, who assisted you in this work of the revision, were recommended to your notice for appointment; by whom were they recommended?—A. I don't remember; Mr. Phelan was in a hotel in that ward, so I understood; whether it was true or not I don't know. He was recommended to me by some parties there; by some parties there as being a man who knew everybody in the ward. I don't know who made the recommendation.

Q. Who recommended Mr. Banneman?—A. He was recommended by Mr. Phelan.

Q. Were not these men recommended to you by the Democratic central committeemen of that ward?—A. No, sir; I don't think so.

Q. Mr. Phelan and Mr. Banneman were both Democrats, were they not?—A. I believe they are, although I don't know it, or didn't know it at the time.

31 Q. They are both Irishmen, are they not; their names indicate that?—A. I don't know about that; Mr. Phelan was; I don't know what Mr. Banneman was.

Q. Do you know what their business is?—A. I don't know now what they are doing.

Q. These men were not sworn; you didn't swear them to do their duty faithfully?—A. I didn't swear them; but when they came in I asked them what they had done.

Q. What amount of work did you do outside?—A. I remember that I went to the houses on Gratiot street several times; several names were stricken off, and I went and saw if it was correct or not. It seems that the poll-book hadn't been revised to any great extent for some time before the Presidential election. Everybody wanted to vote. I kept hearing on all sides that I must do this and must do that. It was very warm work there sometimes. In many instances there would be wrong numbers; in other places there would be no such number; and all this thing had to be corrected. I went all through that portion of the ward several times.

Q. About how many houses did you visit; or did you make personal inquiries?—A. I think I visited every house on that street.

Q. On what street?—A. Gratiot street.

32 Q. Well, I say about how many houses in that ward did you visit; you took that street especially?—A. I took that street particularly; there are a great many rear buildings to it.

Q. And the balance of the ward you left substantially to Mr. Phelan and Mr. Banneman?—A. No, sir; I didn't.

Q. Well, do you mean to say that you visited all the houses in the ward?—A. The balance of the ward I visited as far as I could. Some committees were appointed from the different sides to go over these names; I compared the reports of my assistants with those. For instance, Mr. Napper, who was a neighbor of mine, told me that he had gone to precinct 33, in which I live; that he had gone over it with the Republican committee and somebody else, I forget now what the names were. I compared his report with mine. We went to all the houses that were on that street. We took those different means of finding out whether this list was correct.

Q. What time, as a general thing, in the morning, Mr. Clark, did you come down town to commence your work on those days?—A. I commenced the first thing in the morning after breakfast, right around in my neighborhood. I lived in that neighborhood.

Q. You didn't commence before ten or eleven o'clock in the morning?—A. Yes, sir; I commenced earlier than that.

Q. About what time, as a general thing?—A. About nine o'clock.

33 Q. You attended, you say, the several meetings of the board when they met, all except the first one?—A. That is my memory of it; I am not positive about it.

Q. Now, these men, Phelan and Banneman, did they go together in making their canvass of the ward?—A. No, sir.

Q. One went one way and the other another?—A. Yes, sir.

Q. And you went in a third direction?—A. Yes, sir; well, my own locality first; then as far as I could in these other places that they reported.

Q. Wasn't it, as a matter of fact, impossible, utterly so, for any man, you or any other man, to have gone to all the houses in that ward; I mean any one man?—A. One man couldn't have done it properly.

Q. Why, of course not; couldn't have begun to do it; hardly, I mean; couldn't have in any way near accomplished it by himself?—A. He couldn't have accomplished it himself; no, sir.

Q. So, when Mr. Phelan and Mr. Banneman brought in their reports to you, you looked them over, and in some instances you went to the vicinity to see whether they had done their work properly; that is substantially it, is it not?—A. I went so far as I could towards verifying their statements.

Q. You did not make any pretense; in fact, you could not have gone to anywhere near all the houses that they went to?—

34 A. Well, I could have gone to a good many of the houses; not every one of them.

Q. Not to half of them?—A. Not to every one of them.

Q. You couldn't have gone to one-tenth part of the houses in that time?—A. And get proper answers; no, sir.

Q. Isn't it a fact that it would have been a physical impossibility for any man in those eight days which you had to work in to have gone to one-tenth of the houses and make a proper report—to put the proper inquiries and elicit the proper replies?—A. I think it is impossible for one man to do it correctly under those circumstances.

Q. Now, as a matter of fact, it was not possible to have gone to more than one-tenth part of the houses and elicit the proper information; I mean for one man to do that in the eight days that was allotted to the members of that board in which to complete their labors?—A. I don't know about one-tenth part. I couldn't have done personally all of them; whatever I could have done personally I would have done.

Q. You say on several days you handed in no list of names stricken off?—A. No, sir.

Q. On about how many days did you hand in no list; half the days?—A. I suppose about that.

35 Q. Then, of course, you handed in lists on about four days?—A. I had to check off my rough drafts, you know, and verify them and all that sort of thing; that had to be done in addition to going around.

Q. Of course, then, these reports had to be left until the last four or five days of the revision, did they not?—A. Not necessarily; for in-

stance, for one precinct, you know, a day or something of that sort ; it could have been done that way, and that was my first idea to do it that way ; take one precinct and make that report, or take two if I got through with one, but it had to be gone over again before the adjournment of the board, so that would entail double labor.

Q. As a matter of fact, Mr. Clark, then on the last two days the proportion of names that were handed in to the board was necessarily very large ?—A. I expect they were, sir.

Q. Do you know what the politics of the members of that board were ?—A. I didn't at the time know, sir.

Q. The gentlemen with whom you are acquainted are all Democrats, are they not ?—A. No, sir.

Q. Who, among those you knew, were Republicans ?—A. That I couldn't say exactly, although I knew some of them were ; as I say, I didn't suppose that party had anything to do with the matter ; I didn't want to act, as I have said, because I was not in politics ; but I

36 was asked to act by both parties.

Q. Democratic and Republican ?—A. Both. They came to my house.

Q. Do you know Ed. Butler ?—A. I don't know him, personally.

Q. Did you know of him ? You can't have lived in Saint Louis a great while without having known of Ed. Butler ?—A. Yes, sir.

Q. He was then a member of the Democratic city committee, was he not ?—A. I don't think he was.

Q. He is a prominent Democratic politician, is he not ?—A. As I stated before, I do not know him personally, and the political state of affairs I cannot swear to ; I don't know the fact.

Q. I mean that is his reputation, is it not ?—A. Yes, sir.

Q. Do you know John Tighe ?—A. No, sir.

Q. Do you know of him ?—A. No, sir ; I don't know him at all.

Q. You say Mr. Dye came to you on one occasion ; did he make complaint of more than the one man, that he brought there to you ?—A. I don't remember the number of names that he brought me. I simply stated that I remembered his making complaint. I assured myself that an error was made, then had the correction made ; the parties being there in person, I asked them if they still resided in those places.

37 Q. How many corrections like that were made in your ward, Mr. Clark ?—A. I corrected every complaint that was made.

Q. About how many were there ? I understood you to say something like half-a-dozen.—A. I don't think there was more than that made.

Q. There are a great many negroes, colored men, living in that ward, are there not ?—A. I don't know that there are any more in that ward than there are in any other ward.

Q. In this particular locality, where you say there have been divers improvements made, down around the railroad track, are there not congregated there many colored people ; isn't it a fact that the population in that immediate neighborhood is mostly colored ?—A. Well, they are a little farther north, more than they are in my ward ; I would say that district a little north of the Third ward.

Q. Do you know what proportion of those names which were stricken off were colored people ?—A. No, sir.

Q. You do not know ?—A. No, sir. For instance, in that ward I say the force of improvements up there caused a great many houses to be removed where the people had lived for years before ; the old house would be torn down or removed, and of course when we came there there would be no such place—no such house there, no person living there.

38 Q. And of course you had to strike their names off your list?

—A. I didn't know whether they were colored or plain; I suppose they were both, colored and white.

Q. Mr. Clark, you don't know whether one-half, or one-third, or two-thirds of the names that you struck off were colored voters?—A. I don't know what the proportion was.

Q. It was generally understood, was it not, that all of these revisers employed assistants, like yourself, to help them do their work?—A. That is my recollection—that the question came up in the board. My recollection is that the question was asked of the president, whether a person would be permitted to have an assistant; I think it was understood that such was the case.

Q. It was the general understanding that all of them had assistants?—A. I don't know anything about that.

Signature waived.

39 M. W. LEWIS, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name?—Answer. M. W. Lewis.

Q. Do you know E. A. Fulton?—A. I do.

Q. Did he, since the close of the investigation on the part of the contestant, Mr. Sessinghaus, employ you to do any work in the interests of the contestee in this case, Mr. Frost?

(Mr. Pollard, counsel for the contestant, objects to the inquiry for several reasons: first, because the question is leading; second, because the witness on the stand is a colored man, who for some purpose not known to the contestant has been brought here, as appears from the question, to disclose the business of his employers; in other words, he has been employed now to controvert and endeavor to disclose whatever secrets he may have learned from the other side, and improperly.)

A. He did.

Q. What was the character of that work that you were to do?

Mr. POLLARD. Let me state to this witness now, as I think it my duty to do, that being on the stand he has a perfect right to refuse
40 to answer any question which will in any manner tend to cause his arrest and prosecution for the violation of any law or for committing any offense.

(Mr. Donovan, counsel for the contestee, objects to Mr. Pollard's threatening manner and threatening language to the witness on the stand, which assumes that the contestant in this case has resorted to iniquitous measures to support his case which he expects this witness to disclose, and he wishes now to threaten him with arrest if he thus discloses the truth and the fact when no question that I have asked the witness thus far has intimated that such a line of inquiry would be pressed.)

Mr. POLLARD. I desire to state here on record that I have made no such intimation, that I have made no such admission, and state that no such work was done, but I do state that where a colored man who is recognized and who has repeatedly stated himself to be a Republican, goes on to this stand for the purpose of falsifying his own past record for the purpose of destroying, if within him lies the power so to do, the friends who have assisted him, built him up, I repeat it to the witness that if he does any act whereby he violates any law or any trust which has been imposed upon him, most emphatically if he is asked any ques-

tion concerning which he has, if he sees fit any right to answer, and he does answer, most emphatically he ought to know what will be the consequences.

Mr. DONOVAN. I again object to these repeated threats of arrest on the part of the counsel for the contestant to the witness on the stand before he has opened his mouth. These threats could not possibly be made if the counsel for the contestant did not have grave grounds to fear that this witness might possibly expose a trust confided in him, if that trust was an honorable and a fair one, there would be no objection to having the truth told; but if the trust was a dishonorable and a criminal one, then we understand the fears of the counsel for the contestant on the appearance of this witness.

Mr. POLLARD. In reply the counsel for the contestant denies emphatically, and trustfully states that no work of the character intimated by the gentleman has been done, and he well knows it; but the counsel for the contestant conceives that it is his duty, in so far as he can, to protect the rights and privileges not only of his own witnesses, but those of the contestee's; and said counsel for the contestant deems it also his duty, especially to this colored man, to let him know distinctly that if he sees fit to become a witness on the part of the contestee, he ought well to know what the consequences may be, provided he does that which he ought not to do; and at the instance of the contestee's counsel. I say all that he can do is to tell the truth, and he cannot always even tell the truth; if he has committed any offense against the law, which he knows of, which I do not know whether he has or not, that I say it behooves him not even to tell the truth about that.

By Mr. DONOVAN:

Q. Mr. Lewis, have I thus far asked you whether you had committed any offense against the law?—A. You haven't.

42 Q. Did I ask you any such question?—A. You have asked me none.

Q. Have I asked you since you sat in that witness chair any question as to whether or not you had committed a violation of the law?—A. No, sir; you haven't.

Q. Well, can you understand these threats on the part of Mr. Pollard, when I simply ask you questions that he asked twenty witnesses when they were on the stand at Mr. Metcalfe's office?

Mr. POLLARD. I object to that, because the counsel for the contestant has made no threats; he has simply stated the plain proposition that the witness here must understand full well the consequences of what he is doing; that is not a threat.

By Mr. DONOVAN:

Q. Mr. Lewis, can you understand why Mr. Pollard continues to make these speeches?—A. Why, I understand this: That he doesn't want me to get in any trouble; that he doesn't want me to tell anything that is intrusted to me; that he don't want me to tell a lie. I am not going to tell any lie. I don't want to say anything that is wrong.

Q. Can you understand why he is making these speeches, then?

Mr. POLLARD. I can tell you that; it was in answer to what you have said.

By Mr. DONOVAN:

Q. Can you understand why he is making these threats when we seek nothing but the truth?—A. He may be wanting to; I don't understand why.

43 Q. Does not his whole manner seem to imply that you are going to explode a bomb-shell here?

Mr. POLLARD. I object to the question, on the ground that it is leading, and that the plain and palpable object of the question is to mislead the question.

WITNESS. I don't understand it that way.

By Mr. DONOVAN:

Q. What do you understand from all these threats which Mr. Pollard is making?

(Mr. Pollard, counsel for the contestant, objects to the question, because it is not either a proper, relevant, or competent question, and because it is a misstatement of the fact, and because it is palpably a demonstration on the part of the contestee's counsel to irritate not only the witness but all parties concerned.)

WITNESS. Why, I didn't take it as a threat; I took it as telling me what the law was if I betray the confidence or a trust reposed in me or told an untruth.

By Mr. DONOVAN:

Q. Well, to come back to the question originally asked you; were you employed by Mr. Fulton since the close of this case or the examination on the part of the contestant to make inquiry in regard to the names of voters, or have you made any inquiry in regard to the names of people who came upon the stand and testified on behalf of the contestant?—A. I was so employed.

Q. Did you make such an examination?—A. Yes, sir.

44 Q. In what locality did you make these examinations?—A.

Well, Mr. Fulton gave me a paper, and on the paper there was a lot of names, and asked if I would take the work. I told him, yes, I would go around; then he says I must go to the residences of these people; that those were the names and residences of these parties, and see whether the men lived there or not. So I went.

Q. To see whether they lived there on election time, and how long they lived there?—A. Yes, sir; those were the orders that Mr. Fulton gave me.

Q. Well, you attended to that business?—A. I did; yes, sir.

Q. About how many places did you visit?—A. Let me see; I should judge there was about 100 and some odd; there might have been 148 or 150. There was not as many as 200; it seems to me that there was between 130 and 150, about in there somewhere.

Q. You mean that there was a list of 150 names given to you?

(Mr. Pollard, counsel for the contestant, objects to the question because it is leading; the witness has already stated that he visited 130 to 150 people.)

A. Yes, sir; he gave me a list with about 150 names on it, I should think.

By Mr. DONOVAN:

Q. About how many of those names did you examine personally?—

A. Why, I went to every house that he told me to go to.

Q. To about how many of them did you go? How many of the 150? Did you go to 10, 20, 30, 40, 50, or 60 houses?—A.

45 I went to all of them.

Q. Did you go to 1004 North Seventh street?—A. Yes, sir.

Q. Did you go to 1018 and 1020 North Seventh street, to Anthony Williams' house?—A. Yes, sir.

Q. Did you go to 1022 North Seventh street, where Terrell, Evans, and Scott live?—A. I inquired for a man named Terrell.

Q. But did you go to that house, No. 1022 North Seventh street?—A. I think I did; yes, sir.

Q. Did you go to the house of Everett Johnson, living at 1128 North Eighth street?—A. If the names was on that paper then I went to them.

Q. Did you go to the house where it was said Harrison Franklin lived, at 1138 North Eighth street?—A. If it was on there, I went.

(Mr. Pollard, counsel for the contestant, objects to the question, on the ground that it is leading, and because the witness has repeatedly stated that he can't tell whether he went to these places or not; because he has not that list; and now the counsel for the contestee is endeavoring to make him say things which he cannot say from his own memory, and which the witness has repeatedly stated that he could not do.)

By Mr. DONOVAN:

Q. Did you go to the house of John Rogers, at 1122 North Eighth street?—A. I went to the house and inquired for John Rogers; yes, sir.

Q. You found him there?—A. I found a John Rogers there; yes, sir.

Q. Was there any more than one John Rogers living there; was there two of them in that number?—A. There was only one John Rogers living there.

Q. Do you recollect the man who assumed the name of John Rogers and said he lived in that house; I mean the one that came upon the witness stand and was sworn as a witness for the contestant in this case?—A. I know that the John Rogers that I saw said that he didn't go upon the witness stand.

Q. And he was the only John Rogers that was there in that number, 1122 North Eighth street?—A. He was the only John Rogers that lived there.

Q. Then somebody assumed his name and residence?

(Mr. Pollard, counsel for the contestant, objects to the question because it is leading, and because the counsel for the contestee is trying to make the witness make a deduction of law; I say it is unfair to the witness; it is unfair to the gentleman's side, and it is unfair to the profession which he and I (myself very poorly) represent.)

A. If there was a John Rogers on the stand, so says this man, then it wasn't this man that I saw, because he told me he had not been on the stand in this case.

By Mr. DONOVAN:

Q. Was he a colored man?—A. Yes, sir; he said that he didn't go on the stand.

Q. Do you know whether you visited the house of John Williams, who swore he resided at 1122 North Eighth street?—A. I don't know; I can't remember all those names. I went to the houses that were on that paper.

Q. Well, what did you find out in regard to those names?—A. Well, there was a foolscap paper with these names on them, and Mr. Fulton told me to go around and ask about them; so I went around and asked about them. There was, I guess, about sixteen or twenty that I couldn't find where they had said they lived at; that is, at the places where

they were designated as living, on that paper which was handed to me by Mr. Fulton.

Q. Well, were you present when many of these witnesses testified that they had lived at those places for a year, or a year and a half?—

A. I was not present when many of them testified; I didn't hear the testimony of some of those men that testified at Mr. Metcalfe's office.

Q. Testifying that they had lived at those places for a year, or a year and a half?

(Mr. Pollard, counsel for the contestant, objects to the question because the witness has stated that he cannot remember, and because he has stated that he only heard a few of the witnesses testify on behalf of the contestant; and, further, because the counsel for the contestee repeatedly attempts to make the witness swear to exactly what he asks him. I again warn the witness that he must swear from
48 his own recollection, and not from the statements of the counsel for the contestee.)

A. If I knew the names of the men who swore that they lived at those places a year or a year and a half, and if I recollected visiting their houses, I would tell you. But I don't remember of going to anybody's house that swore they lived there a year; if I had that list I could tell you.

By Mr. DONOVAN:

Q. Well, you prosecuted your inquiries there in the immediate neighborhood of 1018 and 1020 and 1004 North Seventh street?—A. Yes, sir; I was all around in and about there.

Q. And the polling place of that district is near Fifth and Carr streets, where the negroes said they were refused registration?—A. I don't know where it is exactly; but that is where I think it is.

Q. Well, did you hear a great many of the negro witnesses swear that they lived in that vicinity, in the vicinity of that block, that they went to the polling place on Fifth and Carr streets, and were refused registration?

(Mr. Pollard, counsel for the contestant, objects to the question, because the record is the best evidence of what the other men swore; and because this witness has already sworn that he did not hear the testimony of all the witnesses; that, in fact, he heard but few of them testify. We claim that the counsel for the contestee has no right to call for secondary evidence of this class.)

A. I heard a few of them say or swear at Mr. Metcalfe's office,
49 but where they lived I don't know. I heard several swear that they lived in that vicinity.

By Mr. DONOVAN:

Q. Well, did you hear any of them swear that they lived there, and afterwards ascertain that they didn't live there?—A. That is what I can't answer without that slip.

Q. Will you be good enough to get that slip; or can you get it?—A. Mr. Fulton has got it.

Q. And Mr. Fulton was subpoenaed to come here, was he or was he not?—A. I don't know anything about that.

Q. Do you know where he is gone to?—A. I don't know where he has gone to. I know where I heard he had gone.

Q. Where?—A. Little Rock, Arkansas.

Q. Did you or did you not know that Mr. Fulton was in my employ searching for the residences of these people, to see whether they told the truth or not?

(Mr. Pollard, counsel for the contestant, objects to the question, because it is wholly irrelevant, immaterial, and incompetent, and because the witness cannot know unless he was present and saw the contract between the counsel for the contestee and Mr. Fulton.)

A. Mr. Fulton came to me and says, "Lewis, do you want a job, to do this work for me?" But he didn't tell what the work was, what he was getting, or who he was working for; but I knew it was for the interest of Mr. Frost. He said—I judge from his conversation—

By Mr. DONOVAN:

Q. Isn't that Mr. Fulton's handwriting, his report to me of negroes who swore upon the stand that they lived at these places, and he reported to me that they never lived there? (Handing paper to the witness.)

(Mr. Pollard, counsel for the contestant, objects to the question, for the reason that it is wholly incompetent; that it is irrelevant; in the first place, if the counsel for the contestee intends to offer that paper in evidence, that it should be shown to the contestant's counsel; that if counsel for the contestee does not intend to offer the paper in evidence, then it cannot be used for any purpose under heaven; no writing can be examined except it was made by the witness, or at the time of the transaction, by means of which he tries to refresh his memory. The question shows that this paper was made for some other ulterior purpose, and it is wholly incompetent.)

A. That is Mr. Fulton's handwriting.

Mr. POLLARD. I ask the counsel for the contestee for an inspection of the paper.

Mr. DONOVAN. The counsel for the contestant will please wait until I offer the paper in evidence. I am not through with the witness yet.

Q. When did Mr. Fulton leave town?—A. I don't know just when he left; I know when I heard he had left.

Q. When was that?—A. Tuesday evening.

51 Q. Do you know what hastened his departure from this city?—

A. He had some business at Little Rock; there was a house and lot that he owned there. There was some real estate connection in some way associated with it, in some way or other. So he said to me; I don't know it of my own knowledge; his wife told me about three or four weeks ago; she said that he would have to go to Little Rock, but I didn't know that he was going to go until the first of April.

Q. Do you know whether or not the fact that his deposition was to be taken in this cause had anything to do with his speedy departure from the city of Saint Louis?—A. I don't know; I didn't know that he was summoned.

Q. You knew that he was engaged as a canvasser for me, just as he was engaged as a canvasser for Mr. Pollard?

(Mr. Pollard, counsel for the contestant, objects to the question, for the reason that it is leading; because it is a statement or a proposition that is not a fact; because it is the endeavor of the counsel of the contestee to mislead his own witness; and because it is the evident desire of said counsel to fill this record with allegations which the counsel desires to have hereafter called the facts.)

The WITNESS. You mean for Mr. Frost?

Mr. DONOVAN. Yes?

A. Yes, sir.

Q. Do you know J. T. Smith, Mr. Lewis?—A. Yes, sir.

52 Q. He is a colored man ?—A. Yes, sir.

Q. He was actively interested on behalf of the contestant pending the depositions taken in Mr. Metcalfe's office ?—A. He was in the employment of Mr. Sessinghaus.

Q. Well, do you know James A. Jones ?—A. Yes, sir.

Q. Also a colored man ?—A. Yes, sir.

Q. He was likewise in such employ—the employ of Mr. Sessinghaus ?
—A. He was in the employ of Mr. Smith.

Q. Do you know Henry Terrell ?—A. I know the party, yes, sir ; I think that is his name.

Q. A colored man ?—A. Yes, sir.

Q. Is he also in the same employ ?—A. Yes, sir ; he was.

Q. Where did Mr. Smith live ?

WITNESS. Where does he live ?

COUNSEL. Yes.

A. No. 1115 Carr street.

Q. Does he live down-stairs or upstairs ?—A. Down-stairs.

Q. Do you know of any body of colored men going there to his place ?

Mr. POLLARD. I object to that question, because it is wholly irrelevant, and as having nothing whatever to do with this case ; and because it is an endeavor to extract from the witness statements of which he knows nothing about the facts.

A. I never was at his place when there was a body of men came there—not while I was there ; I never knew of any men going up there except Mr. Jones, Mr. Fulton, and I ; and we were employed by him.

By Mr. DONOVAN :

Q. I mean witnesses that subsequently appeared on the stand for the contestant ?—A. It seems to me that one evening there was quite a number of witnesses went up and tried to get paid off ; to get their witness fees.

Q. Were they paid ?—A. They got their witness fees.

Q. How much ?—A. Seventy-five cents.

Q. Mr. Smith paid them—did Mr. Smith or Mr. Jones pay them up there ?—A. Mr. Smith.

Q. He gave each of them seventy-five cents ?—A. Yes, sir.

Q. To about how many of them ?—A. I don't know ; I don't think there was over four or five. I think there was only five that went up there besides Mr. Jones.

54 Q. That is only one evening ?—A. I think that is all.

Q. Were you present there at other evenings ?—A. Not when any group went up there ; no, sir.

Q. But it was a sort of headquarters, was it not, for the negro witnesses ?—A. Well, I know at that particular time that he paid them up there, that usually they got their seventy-five cents from Mr. Wiese-hahn.

Q. Did not those same witnesses receive pay from Mr. Wiese-hahn when they got off the stand ?—A. No, sir ; they didn't. The way of it was Mr. Smith was feeling ill that evening, and he sent me down, and whenever a fellow testified I marked on a piece of paper " Good," or " O K." I gave it to him. There was five or six went with Mr. Jones there.

Q. Had they been sworn on the stand ?—A. I judge they had, sir.

Q. Was it not Mr. Wiese-hahn's habit that just as soon as a witness got off the stand to place his hand in a little tin-box, and take out sev-

enty-five cents, and give it to the witness?—A. That was his habit with white witnesses, but not with colored men. I didn't see Mr. Wiese-hahn pay white men; I never saw him pay colored men. One time when he started to pay a colored man I told him that Mr. Smith would pay him. I guess Mr. Wiese-hahn remembers that.

Q. Did Mr. Smith pay the colored men more than Mr. Wiese-
55 hahn paid the white men?

WITNESS. More money?

Q. Yes.—A. Not to my knowledge.

Q. You heard the majority of those witnesses—the majority of those who testified while you were present—swear that they never spoke with anybody before they got upon the stand, of the facts that they were then testifying to?

Mr. POLLARD. I object to that question, because the record is the best evidence of that; that shows distinctly that this witness cannot make any such statement as that because it is not a fact.

A. Something to that effect. I was always busy writing subpoenas, or doing something that Mr. Smith told me to do; but those of the witnesses, the most that I heard testify, testified that they had talked with nobody about what they were going to say.

Mr. DONOVAN. Do you remember that room right next to Mr. Met-calf's office which I constantly termed the drill-room?—A. I heard quite a number of men say that you said it was a drill-room, but never heard you say that it was a drill-room.

Q. There were a good many negroes assembled each day in that room. were there not?—A. I think that is where the colored men generally went in to wait.

56 Q. Now, who talked with them in there?—A. They, as a general thing, were put in there, and waited around in there; and when I was there I would see Mr. Jones go there; and he was with them mostly. Mr. Smith would have me see about any little thing, getting some change, or going after a man, or something of that sort. Mr. Jones seemed to talk to them.

Q. Mr. Jones seemed to have special charge of the negro witnesses, or was one of those that was very active?—A. He was talking with them.

Q. Talking with them about what?—A. I never heard him say anything to any one in particular on any particular subject. I know that when they would come in there, or go in there, Jones would ask them what their names were, where they lived at, how long they had lived in town, how long they had lived in the State, whether or not they had registered, if they had registered, where at. I would often hear a conversation like that going on between Mr. Jones and the witnesses, and I suppose he afterwards told the same thing on the stand; I mean the man that Jones was talking to.

Q. Was Mr. Jones instructing them in regard to the business that they came there for?—A. Well, I don't know whether it was an instruction or not; he was talking to them, asked them where they lived at, how long they had lived there.

Q. Do you know where the majority of these colored men came from?

57 Mr. POLLARD. Speak of your knowledge?

A. They seemed—the most of the colored witnesses seemed to be gathered up between—let me see—I want to fix that; it is in the Fourth ward; most of them in the Fourth ward around Dan Sullivan's there, running east and west; and Wash street, between Wash and

Carr, on down to Lowell; but there was a great many gathered right there—right around Dan Sullivan's.

By Mr. DONOVAN:

Q. There were a great many gathered up on the wharfs, along the levee?—A. I never subpoenaed any off the levee and I don't know; there is no loafing place for the darkies that belong to the Fourth ward down on the levee. I don't know that there was any gathered from there, although that is generally where they hang out.

Q. Were you present when Mr. Smith instructed Mr. Fulton to go down and take up any negro that he could find on the levee and bring him up there and manufacture a witness out of him; and he became indignant at the proposal of Mr. Smith and quit Mr. Smith's employment for that reason?—A. I didn't hear that.

Q. Was that being done by Jones?—A. I didn't hear it.

Q. You didn't hear that instruction of Mr. Smith's?—A. No, sir.

Q. But do you know as a matter of fact whether Jones was engaged in that business?

58 Mr. POLLARD. We object to that question.

Mr. DONOVAN. That Smith instructed and Jones carried out the instructions by going down onto the levee and picking up any colored man, whether he resided in the third Congressional district or not, and bringing him to the office, or to some other place where they could have him manufactured into a witness; do you know whether that was being done?

(Mr. Pollard, counsel for the contestant, objects to the question, because the witness has already stated that he had no personal knowledge of any such instruction as that, and now it is the clear disposition of the counsel for the contestee to make his own witness perjure himself; because the witness has sworn repeatedly that he knew nothing about it whatever, and now the counsel for the contestee is asking the witness in a little different phraseology, and endeavoring to make him give an affirmative answer.)

(Question read by the notary.)

A. No, sir; I don't.

Mr. DONOVAN. Mr. Lewis, hasn't this Mr. Smith threatened you just before coming on the stand, or within a few days past, to do you great bodily harm if you came on the stand here and told the truth in this case?

(Mr. Pollard, counsel for the contestant, objects to the question, because it is irrelevant and incompetent whether Mr. Smith made any such threat or not, or whether or not Brown had many such threats. It is immaterial.)

A. Not about the truth. He said if I went on the stand and told any lies.

59

By Mr. DONOVAN:

Q. You told him that you didn't intend to tell any lies?—A. That is what I said. And that I didn't know anything about my going on the stand.

Q. How did he find that out, that you were going on the stand?—A. I don't know; he said to me yesterday that Mr. Metcalfe came to him and told him that I was going on the stand. I was going down the street attending to my affairs, and he was on the other side of the street. He came over and says, "Lewis," and then went on and told me what he wanted. He says, "What the hell did you go and tell Metcalfe or somebody else that I didn't pay you for the work?" Says I, "I didn't

tell Mr. Metcalfe any such thing." He says, "Metcalfe says so," or something to that effect. I says, "Mr. Metcalfe couldn't have told you any such thing, for I never told him any such thing. You paid me and I signed the receipt in pen and ink." Then he went on and says, "I hear that you have been acting the damned scoundrel," and all such talk as that; and he also says, "You have wrote to Donovan and Frost about trying their side of the case, and about giving me away," or something of that kind. I told him he didn't know anything about it.

Q. What did you give away, Mr. Lewis?—A. I don't know anything about it.

Q. But didn't Mr. Smith threaten you, and frighten you, or endeavor to frighten you away from being a witness on this stand?

60 Mr. POLLARD. The witness has just answered that he did not. You are again seeking to make your own witness swear to a statement exactly contrary to that which he swore but a moment ago, wherein he said that Mr. Smith did not make any threats against him, unless he came here and swore to lies.

A. I judge from what Mr. Smith told me that he was going to arrest me for something; but I don't know just what it was; it bothered me considerable; so I went home yesterday evening, and then for some-time tried to find out what it was. I went out to Fulton's to see what was the matter, and I found that Fulton had gone away; then I found that Fulton had placed everything on my shoulders, left the whole bother to me. Smith in his accusation that day had said, "Somebody has went around and talked about what you are going to say," &c. "Now," he says, "you do it, but don't you tell any lie on me." I says, "Mr. Smith, I am not going to tell any lie about you; I don't know what to tell; I don't know any lie to tell about you." He went on calling me damned impudent puppy, and all such things, which as I thought were entirely uncalled for. I didn't see Smith do any perjuring, or any bribery, or anything like that.

Mr. DONOVAN. I haven't said that Mr. Smith did either; I have been asking about his sublieutenants; I am talking about Jones, and Terrell, and the others. Now, were you not really alarmed about coming on this stand to just tell the full truth, and the facts within your knowledge?

61 A. Yes, sir; I didn't care to come on this stand, because I had been working for the interest of Mr. Sessinghaus. That is, Mr. Smith gave me employment first; I came to him when I wanted work first, and he gave it to me. He asked me if I would do this kind of work for him, and I told Mr. Smith that I would; that Mr. Sessinghaus was a Republican, and of course I was the same. Mr. Smith seems to have got it into his head some way or other that I had either told a lie, or was trying to make up and tell a lie about the work; that, however, never crossed my mind. I never got into the secrets; if he had any secrets, he held me off at a distance from the beginning.

Q. Did you see any reason why he should threaten you?

(Mr. Pollard, counsel for the contestant, objects to the question, because there has been no evidence that the witness was threatened, and because it is the evident intention of the counsel for the contestant to make his witness swear to statements which the witness well knows are not facts, and which he does not desire to swear to.

By Mr. DONOVAN:

Q. Mr. Lewis, to make matters short, I will ask you if you did not tell me, just about fifteen minutes ago, and within twenty-five feet of where

you are now sitting, that you were really afraid to get upon this stand and tell the truth, for the reason that you were afraid that either Smith or Jones, or some of these men would do you bodily harm, and you came upon the stand with that fear, and with the utmost reluctance?

62 (Mr. Pollard, counsel for the contestant, objects to the question, because the counsel for the contestee well knows that he can ask properly no witness such a question as that; because he is asking his own witness concerning a confidential communication which was made to him, and I want to again warn this witness here and now that he has no right to answer any such question as that.)

The WITNESS. Mr. Smith didn't say anything confidential to me; he said it in a whole crowd; there was four or five together. He said he would cow-hide me if I swore to a lie. I don't know any lies to swear to.

By Mr. DONOVAN:

Q. Now, did you not inform me, after I stated to you that all that we wanted in this matter was the simple truth, that nevertheless you were afraid to go upon the stand and testify for very fear that Smith or Jones, or these men, would whip you if you did?

Mr. POLLARD. I again object, and I ask the counsel for the contestee himself, whether or not that is a proper question to put to his own witness, for the purpose of making the witness state something that is not a fact; and whether it is not an attempt to make this witness perjure himself so that the counsel for the contestee can punish him for the manner in which he has been testifying.

Mr. DONOVAN. I am certainly not endeavoring to make this witness perjure himself; all I desire is the simple truth; I want nothing 63 but what is absolutely true about the conversation that occurred between the witness and myself, not more than twenty minutes ago; I ask him if such is the fact or not?

(Mr. Pollard, counsel for the contestant, objects to the question, because it is improper, and for the other grounds as before stated.)

A. I told you I didn't want to go on the stand.

Mr. DONOVAN. And that you were afraid you would be whipped?

A. I told you that I would get into trouble.

Q. Now, why were you to get into trouble for giving the testimony that you were about to give?

Mr. POLLARD. I cannot see why the counsel persistently asks questions of that character, which, with his legal statue he well knows and must well know, are wholly and thoroughly improper.

By Mr. DONOVAN:

Q. Mr. Lewis will you furnish me with a list of those names that you investigated, if you can prepare them?—A. Yes, sir.

Mr. DONOVAN. Now, Mr. Lewis, I find that owing to the repeated threats of the counsel for the contestant here, threats of arrest, and other threats of bodily harm from Smith and Jones, and others, that the testimony is not as full as it ought to be, and I will be forced to excuse you for the present.

Mr. POLLARD. I desire simply to state in answer to that statement, or to that stump speech, which is not a question, that counsel 64 for the contestee, after repeated pumping, and after a cross-examination of his own witness, and after having put to him hypothetical questions, which were full of facts, and after being unable to elicit the least particle of testimony from this witness in any way, shape,

or form, I simply desire to state that I do not desire to cross-examine him.

Signature waived.

At this point a recess was taken until this afternoon at 2 o'clock.

AFTER RECESS—2 p. m.

65 JOHN MCKENNEY, produced, sworn, and examined on the part of the contestee, deposeth and saith, as follows, to wit :

By Mr. DONOVAN :

Question. Your full name, please ?—Answer. John McKenney.

Q. Where do you reside ?—A. Now, at 915 O'Fallon street, formerly at 1330 North Eighth.

Q. Where were you living on election day ?—A. 1328 North Ninth street.

Q. How long had you been residing at 1328 North Ninth street ?—A. I was there before the election.

Q. Did you go to the polls on election day ?—A. I did.

Q. Where were those polls ?—A. On O'Fallon street, between Seventh and Eighth streets, on the north side.

Q. How far from your residence ?—A. About one square and a half, or two squares from where I lived.

Q. Had you ever been registered, or had you ever voted ?—A. I registered from 1330 North Eighth street.

Q. How long were you living at 1330 North Eighth street ?—A. I was living there about eight months.

Q. And about a month before the election you moved to 1328 North Ninth street ?—A. Yes, sir ; about a month before the election.

66 Q. Did you offer a ballot at the polling place ?—A. Yes, sir.

Q. What transpired when you offered the ballot ?—A. They looked over and told me my name was scratched out ; then I wanted to swear in my vote ; he said he didn't know whether he would swear it or not ; but finally they took it under protest without my swearing it in.

Q. Did you write your name on the back of it ?—A. No, sir ; I didn't.

Q. Did you obtain a transfer from 1330 North Eighth street ; I mean to 1328 North Ninth street ?—A. No, sir ; I did not. I didn't have time to go around there.

Q. How far are these places apart ?—A. They are about two squares apart.

Q. Are they in the same voting precinct ?—A. Yes, sir ; they are in the same voting precinct. It is only one square ; just passing from Eighth to Ninth street.

Q. Did you vote while you lived at 1330 North Eighth street ?—A. Yes, sir.

Q. And you were registered there ?—A. Yes, sir ; I was registered also from 1328 North Ninth street, where I lived on the day of election. I registered there about four years ago.

Q. But 1330 North Eighth and 1328 North Ninth streets are in the same voting precinct ?—A. Yes, sir ; they are in the same voting precinct.

Q. So, when you moved from 1330 North Eighth street to 1329 North Ninth street, you didn't move out of the precinct ?—A. No, sir.

Q. You stated that the judges received your vote under protest ?—A. Yes, sir.

Q. They stated to you that your name was not on their books, but had been scratched off by the reviser?—A. Yes, sir.

Q. What ticket did you vote?—A. Straight Democratic ticket.

Q. With Frost for Congress?—A. Yes, sir.

Cross-examination by Mr. POLLARD:

Q. Mr. McKenney, how long did you live at 1330 North Eighth street?—A. About six or seven months.

Q. And you moved from there to 1328 North Ninth street?—A. No, not exactly from there; it is from 1330 that I registered.

Q. But I say that when you moved you left 1330 North Eighth street, and moved to 1328 North Ninth street?—A. Yes, sir.

Q. You say you registered while you were at 1330 North Eighth?—A. Yes, sir.

Q. And voted while you were living there?—A. Yes, sir; I voted while I was living there.

Q. What election was that, Mr. McKenney?—A. For the delegates of the last Congressional election.

68 Q. Before this last election?—A. Yes, sir.

Q. I wish you would tell me what election; I don't understand you; was it the election for Congress in that district which was held before this last election?—A. Yes, sir.

Q. And that is the time that you registered from 1330 North Eighth street?—A. Yes, sir.

Q. And voted?—A. Yes, sir.

Q. From there you moved to 1328 North Ninth street?—A. Oh, no—

Q. I mean you moved from 1328 North Eighth street to that place about one month before the election—the last election; did you not?—A. Oh, no; not one month; I was living at 1330 North Eighth street about six months; but about a month before this last election I went to 1328 North Ninth street. I didn't move there from 1330 North Eighth street.

Q. I understood you to say that when you moved from 1330 North Eighth street, that you moved to 1328 North Ninth street?—A. No, sir.

Q. Where did you go?—A. I went down to 911 North Eighth street.

Q. Did you register there?—A. No, sir; I never registered there.

69 Q. Did you get a transfer?—A. No, sir.

Q. No. 911 North Eighth street is not in the same precinct or in the same ward as 1330 North Eighth street, is it?—A. No, sir; I know that.

Q. Then, when you moved back to 1328 North Ninth street you didn't register?—A. No, sir; and I didn't transfer either.

Q. You did not transfer?—A. No, sir.

Q. How long did you live at 911 North Eighth street?—A. Well, about four months altogether.

Q. Then you went from 1330 North Eighth street to 911 North Eighth street, and from 911 North Eighth street you went to 1328 North Ninth street, where you now live?—A. Yes, sir; yes, sir.

Q. You do not live there now?—A. No, sir; not now.

Q. Where do you live now?—A. No. 915 O'Fallon street.

Q. When did you move to that place?—A. In last November.

Q. What date in November?—A. I believe it was on a Monday; I don't know exactly the date; I know it was within a few days of the 1st of December.

Q. How long then did you live at 1328 North Ninth street ?—
70 A. Oh, I have been living there, before I went back this last time, about four years—no, five.

Q. And you got no transfer whatever to 1328 North Ninth street, did you ?—A. No, sir.

Signature waived.

71 MICHAEL JOSEPH BEHAN, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit :

By Mr. DONOVAN :

Question. Your full name, if you please ?—Answer. Michael Joseph Behan.

Q. Where do you reside, Mr. Behan ?—A. No. 1206 North Seventh street.

Q. Where did you live on last election day ?—A. At the same place.

Q. How long had you been living there ?—A. I have been living there, up to the time of the election, about thirteen months.

Q. Have you been registered ?—A. No, sir.

Q. Were you ever registered ?—A. I registered at the polls once or twice.

Q. Well, that is registration. When were you registered at the polls ?—A. I was not registered at the court-house.

Q. That makes no difference. Where were you living when you were registered ?—A. No. 1519 Broadway.

Q. Did you go to the polls on election day ?—A. Yes, sir.

Q. Where were those polls ?—A. Broadway and O'Fallon.

72 Q. What transpired at the polls ?—A. Well, I went there and offered my ballot, and they wouldn't take it.

Q. Why ?—A. They said I was not registered.

Q. What did you tell them ?—A. They took it under protest.

Q. What did you tell them ?—A. I told them that I had not registered for so long that I thought it was not necessary for me to register; that my number was 1206 North Seventh street.

Q. Are 1206 North Seventh street and 1519 Broadway in the same ward or precinct ?—A. No, sir.

Q. Did you obtain a transfer to 1206 North Seventh street ?—A. No, sir.

Q. Did you offer to swear in your vote at the polls ?—A. Yes, sir.

Q. You passed in your ballot ?—A. I swore my vote in; I offered it at first and they wouldn't take it, then I swore it in and it was taken.

Q. What was done with it ?—A. I put my name on the back of it, and they laid it on the table there; that was the last I seen of it.

Q. Who did you offer to vote for for Congress ?—A. Frost.

Cross-examination declined.

Signature waived.

73 JOHN CURRAN, produced, sworn, and examined on the part of the contestee, deposeth and saith, as follows, to wit :

By Mr. DONOVAN :

Question. What is your name ?—Answer. John Curran.

Q. Where do you live ?—A. No. 1531 North Ninth street.

Q. Where were you living on election day ?—A. No. 1531 North Ninth street; the same place.

Q. How long had you been living there?—A. I don't know; I couldn't say; I have been living there for four or five years, I know.

Q. Had you ever been registered from that place?—A. No, sir; that was the first time that I ever voted.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. Between Mullanphy and Cass avenue, on Tenth street.

Q. How far from your residence?—A. Only had to cross over the lot; one-half of a block from my house.

Q. Did you register and vote at the polls?—A. Well, I told them I was never registered before, so then they told me to write my name and residence on the back of the vote, and give it in.

74 Q. But you didn't see it go into the box?—A. He handed it back to Coyle.

Q. Did they put it in the box, or on the table, or on the floor?—A. Indeed I didn't look; I didn't wait.

Q. You told them that you came there to register and vote?—A. They knew I was not registered before, because I told them. I had my naturalization papers with me; but I never registered before, so I just put my name and residence on the ticket and handed it in. I don't know whether they counted it or not. I gave it to them, but I don't know what they did with it.

Q. How old are you?—A. I will be 22 the first of next June.

Q. How long have you been in the city?—A. Here's my papers, if you want to see them.

Q. By these naturalization papers it appears that you were naturalized on the 25th of October, 1880. You were still living at the same house when these papers were given to you?—A. Yes, sir.

Q. And had never voted?—A. Never voted.

Q. And never registered?—A. That is the first time I ever went to the polls at all.

Q. Did they swear you there at all?—A. No, sir. They did not.

75 Q. How long were you at the polls?—A. I was only there about five minutes; it was dinner-time, and I went there to vote.

Q. But you say you told these judges there, that you had never registered there before, and that you wanted to register and cast your vote?—A. Yes, sir.

Q. And that you lived in that house, right within half a block of the precinct, for four or five years, and that this was the first time that you cast a ballot?—Q. I suppose that Dr. Schwaner knew that; he knows me for some time anyhow.

Q. Did you see the registrar there? The man that registers the voters?—A. I didn't know any one there but Dr. Schwaner; but I know I went there and put my name and residence on the vote; what they done with it, I don't know. I was in a hurry; they might have hurled it after me, for all I know.

Q. Then when you told them that you lived at this place, and had never registered there before, and desired to register, then they directed you what to do?—A. Yes, sir.

Q. You put your name on the back of your ticket and they took it in, but you don't know what they did with it?—A. Yes, sir; that is the way of it. I put my name on the back of it and handed it in.

Q. What ticket was it?—A. Frost ticket; straight Democratic ticket.

76 Cross-examination by counsel for the contestant, Mr. POLLARD :

Q. Mr. Curren, when you went to the polls, where did you go ?
—A. Well, I just went to the window.

Q. Where they were receiving votes?—A. Yes, sir.

Q. What did you tell the man there?—A. My brother come with me; he told them that I had never registered, that it was my first vote; so I took a Frost ticket; then he says to me, "You write your name and residence on the back of it, and hand it here;" so I handed it to him and he says, "Here, Jerry, take this." My brother come with me.

Q. He is the man who told me to take this vote and hand it in?—A. No, sir; Dr. Schwaner told me what to do. My brother and nobody else need tell me how to vote.

Q. Who is Dr. Schwaner?—A. He is a doctor. He is our family physician.

Q. He was there?—A. Yes, sir; I believe he was judge; at least he was at the window. I don't know what his position was.

Q. You told him that you never had registered?—A. Never had registered.

Q. You didn't tell him anything else; your brother simply told him that you had never registered, and that you wanted to vote?—A. Yes, sir.

77 Q. Your brother did the talking?—A. I don't believe I stated anything to him. I guess I heard what was said, and of course nodded in the affirmative.

Q. And that was all that occurred?—A. Yes, sir.

Q. And that is the only naturalization paper that you have got?—A. Yes, sir; that is the only one.

Q. Well, you can read, can you not?—A. You can read it if you wish.

Q. Was the naturalization paper which I now read the only one which you ever received:

STATE OF MISSOURI,
City of Saint Louis.

In the Saint Louis criminal court, October term.

OCTOBER 25TH, 1880.

This day comes John Curran; a native of England, who applies to be admitted a citizen of the United States, and proves to the satisfaction of the court by the testimony of Michael Kenney, two credible witnesses, citizens of the United States, that he arrived in the United States a minor under the age of 18 years; that he has resided in the United States at least five years, including the years of his minority.

The balance of that naturalization paper I do not desire to read. I desire to call the attention of the witness to the parts which I have read: that is the only paper which you have received?—A. Yes, sir; that is the only paper. I went there and got the papers. There

78 was two witnesses there. Both my uncles went with me at the time.

Signature waived.

79 STEPHEN CURTIN, produced, sworn, and examined on the part of the contestee, deposeth and saith, as follows, to wit:

By Mr. DONOVAN.

Question. What is your name?—Answer. Stephen Curtin.

Q. Where do you reside?

Mr. Pollard, counsel for the contestant, objects to the examination of this witness for the reason that said counsel for the contestant has received no notice of the desire on the part of contestee to take the testimony of this witness.

Mr. Donovan, counsel for the contestee, will proceed with the examination of the witness inasmuch as the notice has been given of this name, it appearing in the notice given to said contestant as Stephen Curlin, on account of the letter "t" not having a cross-mark on it to make it a "t.")

Mr. POLLARD. Now, I desire further to say that there has been no notice given of the desire on the part of the contestee to take the deposition of any man by the name of Stephen Curtin or any name that resembles it in the slightest.

Mr. DONOVAN. If the notices are appended to the depositions the committee can examine it for themselves, and see whether or not my statements are not correct.

80 Mr. POLLARD. I notify the counsel for the contestee that we do not appear in the cross-examination of this witness, if he insists upon going on with the witness.

Mr. DONOVAN. I certainly do insist upon going on with this witness, and have no sympathy with such trivial objections as the declining to cross-examine a witness because the letter "t" in his name is not crossed.

Mr. POLLARD. The counsel for the contestee did not give us notice to take the deposition of any man named Curtin; he has given us notice of Stephen Curlin, whose testimony we are prepared to hear, and which testimony we are prepared to cross-examine, but we are not prepared to hear the testimony of Stephen Curtin, and we cannot, and absolutely do not appear at the hearing of his testimony, if he is examined.

By Mr. DONOVAN:

Q. Where do you reside now, Mr. Curtin?—A. No. 1206 North Seventh street.

Q. How long have you lived there?—A. I guess somewhere in the neighborhood of may be five months; I don't recollect now; I have no data.

Q. Were you ever registered?—A. Yes, sir.

Q. What poll did you go to on the day of election?—A. I went to Fifth and O'Fallon streets.

81 Q. Did your name appear there on the registration sheets?—A. I don't know whether it did or not.

Q. Did you offer your ballot?—A. Yes, sir.

Q. What did the judges say to you; did they examine the sheets and see whether your name was there?—A. Well, now, I was in a great hurry at the time, having to go to work; I didn't wait for any more talk; I didn't take any more notice of those parties what they did there; I merely give in my vote and skipped off.

Q. Did you wait to hear what the judges had to say about your name; whether it appeared on the registry sheets?—A. No; I did not.

Q. You just handed in your ballot and went off; you don't know what was done with it?—A. I know it was taken under protest; that is all I know.

Q. Who did you vote for for Congress?—A. R. Graham Frost.

Mr. Pollard declines to cross-examine the witness on the grounds heretofore stated, and which appear in this record.

Signature waived.

82 A. V. WAGNER, produced, sworn, and examined on the part of the contestee, deposeeth and saith as follows, to-wit:

By Mr. DONOVAN:

Question. Your full name, please?—Answer. A. V. Wagner.

Q. Where do you reside?—A. No. 926 Brooklyn street.

(Mr. Pollard, counsel for the contestant, now objects to the introduction of the testimony of A. V. Wagner, because there has been no notice given to the contestant of the desire on the part of the contestee to examine this witness.)

Mr. Donovan, counsel for the contestee, insists on the examination of the witness, and declares the fact to be that these gentlemen need not take such particular pains about the misspelling of a name by any one letter, when, as they very well know, William L. B. G. Allen, the deputy or the clerk of the chief supervisor, gave these names just as I gave them to the counsel for the contestant, and the counsel for the contestant heard these names read off by this deputy or clerk of the chief supervisor (and their own witness), and saw the ballots on the backs of which these names were written.)

83 Mr. POLLARD. I desire simply to say, in reply, that in a city of three hundred and fifty-four thousand people, where the name is not given, either the initials or the last name, in any degree whatever similar to the name of the witness whom they propose to examine, that it is not only wholly impossible for us to ascertain anything concerning this witness beforehand, as is contemplated by the law, but it is an apparent attempt on the part of the contestee to examine witnesses in violation of the law, and to prevent us from having that notice which the law contemplates, especially as the street, or the number of the street, or the portion of the city in which the witness resides, has in no instance been made known to the counsel for the contestant beforehand.

Mr. DONOVAN. Much to my regret, the counsel for the contestant forces me to introduce into this record these remarks, that are necessary to correct the statement that he makes. During all of his investigation he never gave me the residence of a single witness, and the majority of of them were roustabouts, and people who had scarcely any local habitation or even name; and it comes with very ill grace from him to be objecting to the examination of gentlemen when there is simply a letter left out of their names, the names not being spelt as the gentleman himself (the counsel for the contestant) might have spelt it.

84 Mr. POLLARD. In no instance did this contestant ever give a name misspelt in any degree, or the initial wrong in the least, to the contestee, of a witness whom he, said counsel for the contestant, desired to examine. Further, I want to make the statement right here, that we refuse to appear in the examination of this witness.

By Mr. DONOVAN:

Q. Where did you reside on election day?—A. No. 926 Brooklyn street.

* Mr. DONOVAN. Now, if the gentleman is through with his twaddle, I will proceed with the witness.

Mr. POLLARD. I am obliged to the gentleman.

WITNESS. I lived on the same place.

By Mr. DONOVAN:

Q. How long have you been living there?—A. About three or four years.

Q. Were you ever registered?—A. Never before the election; not in this city.

Q. You never did register in this city?—A. No, sir.

Q. Did you go to the polls on election day?—A. I did.

Q. Where were those polls at?—A. Tenth street, between Cass avenue and Mullanphy.

Q. What did you do when you went there?—A. I told them that I wished to vote; that I had never been registered, and wanted to register; and they said that I could not register, but they would take my vote under protest.

85 Q. What ticket did you offer?—A. The straight Democratic ticket.

Q. With Frost for Congress?—A. Yes, sir.

Q. How old are you?—A. I am thirty-four years old the 27th of this month.

Q. Where were you born?—A. In this city.

Cross-examination declined by Mr. Pollard for the reasons heretofore stated.

Signature waived.

86 RICHARD M. DOBBINS, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name, Mr. Dobbins?—Answer. Richard M. Dobbins.

Q. Where do you live now, Mr. Dobbins?—A. No. 1513 North Ninth street.

Q. How long have you lived there?—A. I was a year last Christmas living in that house.

Q. Had you ever been registered?—A. No, sir; not in Saint Louis.

Q. How long have you been living in the State?—A. In the State of Missouri about twenty years.

Q. How long have you been living in the city?—A. It is very nearly two years.

Q. What ward is 1513 North Ninth street in?—A. You have got me now; Fourth ward.

Q. How long have you been living in that ward?—A. I have been living there all this time. I lived with my father-in-law for awhile; I lived in his house for about eighteen months.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls at?—A. On Tenth street, between Cass avenue and Mullanphy.

87 Q. How far from your house?—A. It is just a block; I live on Ninth street, and this poll is on Tenth street.

Q. What did you do when you went to the polls?—A. I went there and told them I wanted to register; they said they had no registrar there; then I told them I would like to vote; they said I would have to get somebody to identify me, so I got a couple of policemen to identify me; then I wrote my name on the ticket and handed it in; I handed it in to Schwaner.

Q. Who was Schwaner?—A. I don't know what he was; judge or something; he sat by the window; he took the ticket in when I gave it to him.

Q. You told him that you wanted to register and vote?—A. Yes, sir.

Q. That you had never voted before; that you had never registered before?

(Mr. Pollard, counsel for the contestant, objects to the question on the ground that it is leading.)

By Mr. DONOVAN:

Q. What did you do?—A. I took a Democratic ticket, wrote my name on it, and handed it in.

Q. What did they do with it?—A. I seen them lay it on the table; I was in a hurry to get off to work.

Q. But they didn't drop in the box while you were there?—

ss A. No, sir; I didn't see it; I don't know what became of it.

Q. Was Frost on your ticket for Congress?—A. Yes, sir.

Cross-examination by counsel for the contestant, Mr. POLLARD:

Q. You went there to the polls, Mr. Dobbins, on the morning of election day, being in a hurry to get away to work?—A. Yes, sir.

Q. And you told the man at the polling window that you never had registered before, and that you wanted to vote?—A. Yes, sir; and wanted to register and vote.

Q. What did he tell you to do?—A. He told me that the only way to do it was to be sworn in, and put my address on the ticket, and the judge would take it down to the headquarters, I suppose.

Q. Take it down to the headquarters?—A. Yes, sir; I suppose so.

Q. You wrote your name on the ticket and handed it in?—A. Yes, sir.

Q. And whatever they did with it you don't know, being in a hurry?—A. I seen it laying on the table; I suppose they was reading some law there; I walked off.

Q. And that was all that occurred there?—A. Yes, sir; that was all I seen.

By Mr. DONOVAN:

89 Q. Do you know whether there was a registrar there or not?—

A. They said there was not.

Signature waived.

JOHN FRANCIS COYNE, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name, Mr. Coyne?—Answer. James Francis Coyne.

Q. You live in the city of Saint Louis?—A. Yes, sir.

Q. Mr. Coyne, were you an officer at any poll in the city of Saint Louis at the election of November 2 last?—A. Yes.

Q. What was the number of your poll?—A. Forty.

Q. Who were the judges at that poll?—A. They were Mr. Miller, Mr. Gruenewald, and Mr. Ward.

Q. What were you at that poll?—A. Judge.

Q. What was Mr. Michael Irish at that poll?—A. He was the supervisor.

Q. What was Marcus Julian?—A. He was the registrar.

Q. What was your position at the poll? Where were you located? Were you receiving or counting judge?—A. I was one of the counting judges.

90 Q. How far from the window were you?—A. About twelve feet, I guess—ten or twelve feet, I guess.

Q. Where was the registrar, Mr. Marcus Julian, sitting?—A. He was sometimes sitting alongside of me, and sometimes walking up and down the floor?

Q. Where was the supervisor, Mr. Michael Irish?—A. He was at the window at the voting place.

Q. Were these judges and clerks and the supervisor and registrar Democrats and Republicans?—A. I should judge so.

Q. Some of them were Democrats and some of them were Republicans?—A. I should judge so; I could not say.

Q. Do you know what Mr. Gruenewald's politics are?—A. I do not.

Q. Do you know what Mr. Miller's politics are?—A. I do not.

Q. Do you know what Mr. Ward's politics are?—A. I do not.

Q. Or Mr. Irish or Mr. Julian?—A. I never asked them.

Q. Your own politics are Democratic, I presume?—A. Yes, sir.

Q. Was there any disagreement between the judges or clerks or the supervisor or registrar?—A. No, sir; not the least.

Q. Was the action at that poll unanimous in what was done?

91 —A. Everything was unanimous; all agreeable; no dissension.

Q. All of the officers at the poll agreeing that the voting done there was fairly conducted?—A. Yes, sir.

Q. That everything that was done at that poll was done with the utmost fairness?—A. Yes, sir.

(Mr. Pollard, counsel for the contestant, objects to the question because it is leading, and because it is putting into the mouth of the witness a statement which the counsel for the contestee desires to interpolate.)

By Mr. DONOVAN:

Q. Did you notice how the registrar acted on that day?—A. Yes, sir.

Q. Well, how did he conduct himself?—A. He conducted himself properly and fair. Every person that came to the polls was treated with justness and fairness.

Q. Did he listen to them fairly and treat them politely?—A. He done so, sir; he made no distinction between white and black.

Q. A number of shabby roustabouts have got upon the stand during the course of the examination, on behalf of the contestant in this case, and have sworn that the registrar there abruptly refused them the permission to register there at the poll. I wish to ask you now what you observed there in that regard?

(Mr. Pollard, counsel for the contestant, objects to the question because it is improper; and I object to so many stump speeches and rehearsals to such lengths as the contestee's counsel seeks to embody in this question; and in relation to the testimony heretofore given in this case, I object because such a rehearsal is made for the purpose, apparently, of stirring up the partisan spirit of the witness; and I further object to that because the statements of the counsel are not in consonance with the facts as given in testimony.)

92 A. My observation was that everything went on quietly and nice; every man that came to the polls was received with justness and fairness in all cases—in every case.

By Mr. DONOVAN :

Q. Do you know, of your own knowledge, and from what you saw of the actions of the registrar, that he refused anybody at that poll that was entitled to register there ?—A. I know that he did not refuse any person that was entitled to register.

Q. Do you believe that that list of negroes presented themselves for registration at that poll ?—A. If they did I didn't see them.

Q. Did he listen to the statements of the negroes that came to register ?—A. Yes, sir.

Q. Do you believe that he refused the number that is on that list ?—
A. I believe that he did not. I haven't seen as many refused
93 as that.

Q. Now, Mr. Coyne, this is only a small portion of the shabby group that perjured themselves in this cause, and I will now ask you if this registrar is present ?

(Mr. Pollard, counsel for the contestant, objects to the question for the reason as stated before, that this gentleman who is conducting the examination on the part of the contestee in this cause endeavors on all occasions, in season and out of season, to malign and maltreat and abuse in every way that he can in the English language the witnesses who are produced here on the part of the contestant; notwithstanding the fact that he has raked and scraped this town over, from the north to the south, and from the east to the west, he has heretofore failed, as he will hereafter fail, to show that one single, solitary witness that presented himself on the part of the contestant swore to anything except the exact truth; he well knows that fact, and he well knows his inability to break down in the least this testimony; he is, therefore, endeavoring to fill this record with his speeches, maligning, and maltreating, and abusing these people simply because he cannot produce the evidence to do it.)

Mr. DONOVAN. Here is a list of simply twenty-one that I picked out at random, who stated they were refused registration at Fifth and Carr, at this poll, No. 40. Now, you have stated that the registrar was near to you during the entire day ?—A. Yes, sir.

94 Q. Do you believe that he refused to register those men, or do you believe that those men presented themselves there at all for registration ?—A. If they did present themselves I think that they were not worthy to become registered.

Q. That is they were not qualified ?—A. They were not qualified.

Q. Do you believe that they ever presented themselves there ?—A. Well, I could not say that; I was busy calling out the names and tallying and putting the ballots on the string, and so on.

Q. Well, the registrar had no controversy with anybody there ?—A. No loud talking.

Q. The Democratic judges and the Republican judges were present there in the same room ?—A. Yes, sir.

Q. Did they or not agree with such action as he took ?—A. Yes, sir.

Q. All of you ?—A. All of us agreed with such action.

Q. And did you believe that he acted fairly or unfairly in the performance of his duty ?—A. I know that he acted fairly; not only him, but all the judges acted fairly.

Q. Were there any complaints made to you at that time that the judges and clerks and registrar there, especially that this registrar had refused to register or to accept the votes of a large

95 number of legal colored voters ?—A. No.

Q. You heard no complaints of that kind ?—A. No; the only

time that I heard of it was when I got a notice from a young man up in my place of business; that is the first I heard of it.

Q. To come down here and testify as to the conduct of the judges and clerks and officers at that poll?—A. That was the first I heard of it.

Q. You heard nothing of it before?—A. No, sir.

Q. And it was news to you that anything unfair had been done there that day?—A. I was astonished to hear it.

Cross-examination by Mr. POLLARD, counsel for the contestant:

Q. Mr. Coyne, where do you reside?—A. No. 1001 North Fifth street.

Q. Where were those polls in precinct 40 situated?—A. At the corner of Fifth and Carr; it is about twenty-five or thirty feet from the corner, on Fifth street, between Wash and Carr streets.

Q. What is your business, Mr. Coyne?—A. Saloon.

Q. Do you know the politics of Mr. Miller?—A. I do not.

96 Q. And did not know the politics of Mr. Gruenewald?—A.

No, sir.

Q. Or of Mr. Ward?—A. No, sir.

Q. Or of Mr. Michael Irish?—A. No, sir.

Q. Nor of Mr. Marcus Julian?—A. No, sir.

Q. Then you don't know whether they were Democrats or Republicans?—A. I do not, sir.

Q. Wasn't it distinctly understood—was it or was it not—that these gentlemen were all Democrats?—A. No, sir.

Q. Have you never heard anything about that?—A. Never heard anything about that.

Q. You say that Mr. Julian, who was registrar there, acted perfectly fair?—A. Yes, sir.

Q. At the same time you had duties to perform, had you not?—A. I had.

Q. How many votes were polled at that precinct on that day?—A. That I forget now. I could not say now.

Q. It was between two and three hundred, was it not?—A. I guess about two hundred; something about that. I could not say exactly.

97 Q. And you say you were one of the receiving judges?—A.

No, sir; I was one of the counting judges.

Q. Now, what is the duty of the counting judge?—A. Well, I called off the names and the clerk he tallied them—the names that were on the tickets. Then we counted them. Then sometimes I would string them.

Q. That kept you reasonably busy with two hundred votes there in the course of the day?—A. Every hour we counted votes.

Q. How long did it take you to count the votes each hour?—A. About twenty minutes or so.

Q. Twenty minutes, or half an hour?—A. Yes, sir.

Q. And during that time you were certainly busy?—A. Yes, sir.

Q. And that required some considerable attention, did it not?—A. Yes, sir.

Q. You couldn't have done your duty well unless you attended to it very closely, could you?—A. While I was working at this duty I could not attend to anything else, or to any other duty.

Q. Then while you were judge, and while you were at your business, and attending to your duty reading off and counting the vote, you did

not make it your duty to attend to anybody else's duty ?—A. No, sir; I tried to attend to my own duty.

Q. Then I want to know whether it is possible for you to say now, under your oath, whether Mr. Julian, who was the registrar
98 there, did at all times and on all occasions while you were attending to your duty, and looking after it as you say you did it, if he could not on some occasions have done some things which you didn't see or know anything about ?—A. Well, if he did so, I didn't hear anything about it.

Q. You attended strictly to your duty in reading and counting the ballots, and the presumption is that he attended to his, is it not ?—A. He did not attend to my duty; no, sir.

Q. You attended to that yourself ?—A. Yes, sir.

Q. Now, when you were attending to your duty, you did not also attend to his ?—A. I couldn't very well attend to that.

Q. I should think not. I understand that.

WITNESS. But everything was carried on fair and square.

Q. When you were counting your votes during this half an hour which it took you to do it in, every half hour during that day, it required pretty close attention in order not to make any mistakes ?—A. Yes, sir.

Q. There were no mistakes made in that precinct ?—A. No, sir.

Q. Then it certainly must have required the closest kind of attention ?—A. Yes, sir.

Q. Now, I want to know, while you were counting those votes, whether it was possible for you during that period to know
99 exactly what this registrar was doing, whether he was looking after his duties, as you were after yours ?—A. Well, I could not; undoubtedly not, but at the same time I know that everything was carried out to the law, and fair play was given to all.

Q. Did you go to dinner during the middle of the day ?—A. Yes, sir; I did.

Q. How long were you gone ?—A. About half an hour.

Q. Do you know what Mr. Irish's business is ?—A. I understand Mr. Irish is clerk in the Western Hotel.

Q. Do you know a man named Haggerty who was about the polls there that day ?—A. I do not.

Q. A horse-trader ?—A. I know a man by the name of Haggerty, a horse-trader.

Q. Was he about that polls that day, considerably ?—A. I think I seen him out on the street, to the best of my knowledge.

Q. That day during the election ?—A. Yes, sir.

Q. He staid there nearly all the time during election day ?—A. Yes, sir; oh, I don't know about that; I seen him once or twice.

Q. Didn't he, during that day, challenge a good many negro voters at that poll ?—A. Not to my knowledge.

100 Q. Well, you were not receiving judge ?—A. No, sir.

Q. And he might have done so without your knowing it ?—A. Yes, sir; he could have done it without my knowledge.

Q. Mr. Haggerty is a Democrat in politics ?—A. I could not say, sir; I never asked him what his politics were.

Signature waived.

HENRY GRUENEWALD, produced, sworn, and examined on the part of the contestee, deposeth and saith, as follows, to wit:

By Mr. DONOVAN:

Question. What is your name?—Answer. Henry Gruenewald.

Q. How old are you?—A. I am 38, will be 39.

Q. Were you an officer at poll No. 40, near Fifth and Carr street, on the second day of November last?—A. Yes, sir.

Q. What were you; judge or clerk?—A. Judge; we were short of one clerk, so I acted as a clerk. I took the clerk's part.

Q. Were you receiving or counting judge?—A. I was counting judge.

101 Q. How close were you to the window?—A. About twelve feet in the rear of it.

Q. Who was Mr. Julian?—A. He was the registrar.

Q. How close were you to him?—A. He sat at our table.

Q. At the same table with you and Mr. Coyne?—A. Yes, sir.

Q. Well, did the people that came in there to register, did they come to the same table where you were at, and where Mr. Julian was?—A. Yes, sir.

Q. Now, how did Mr. Julian, the registrar, conduct himself that day?—A. It seemed to me perfectly correct.

Q. Did he, or did he not, treat everybody that came to register respectfully?—A. Yes, sir; to my knowledge.

Q. Did he, or did he not, listen to their statements as to their qualifications, and pass upon them?—A. As much as I heard and saw he did.

Q. Have you any knowledge of his acting arbitrarily in the performance of his duty?—A. Yes, sir; he did in several cases. But I was busy minding my own business; there would occasionally be a little loud talking.

Q. Do you mean to say that he acted unjustly in passing on the

102 qualifications of anybody that presented themselves before him?—A. No, sir; he did not.

Q. Did he, or did he not, act in the spirit of fairness, and with a desire to perform faithfully his duty?—A. Yes, sir.

Q. What are you in politics, Mr. Gruenewald?—A. Republican.

Q. What are Mr. Julian's politics?—A. I do not know.

Q. Did you see him on that day refuse registration to any colored man that was entitled to registration?—A. I did.

Q. How many?—A. I could not tell.

Q. About how many?—A. Well, say five or six probably, that I noticed.

Q. He was sitting with you at the same table all the time?—A. Yes, sir.

Q. Did he refuse registration to forty?—A. Not to my knowledge.

Q. And you were sitting with him there all the time?—A. When they wanted to register he would go to the window. He got up from his seat and went to the window, where the supervisor was.

Q. Then you didn't see him when he went to the window?—A. Sometimes.

103 Q. And you don't know what he did when he went to the window?—A. I do not.

Q. How do you know that he refused registration to five or six colored men that were entitled to register?—A. They came there and asked for this, and I judge from that.

Q. Did you hear any angry statement; any negro speaking?—A. No, sir.

Q. How do you know whether the negro was entitled to register;

that he was qualified?—A. The negro went away. I do not know whether he was qualified or not; he didn't register him, though.

Q. He may have refused five or six persons for the reason that they were not entitled to registration, but your answer to my question was that he unjustly refused registration to five or six negroes; is that what you meant to say?—A. No, sir.

(Mr. Pollard, counsel for the contestant, objects to the question, because this and every question from the first have been leading; that he is putting the answers into the witness's mouth.)

By Mr. DONOVAN:

Q. Do you mean to say that this registrar, Mr. Julian, refused five or six negroes registration who were legitimately entitled to register?—

A. I don't know whether they were legitimately entitled to register or not; but they was talking at the window; I was in the rear; the
104 receiving judge and the supervisor had charge of the parties there.

Q. And as to how he came to pass upon the registration of five or six colored men you did not hear the facts stated by the men?—A. No, sir.

Q. Were you all harmonious there in your action during the day?—A. Yes, sir.

Q. Republicans and Democrats alike?—A. Yes, sir.

Q. Was there any charge made that day by either the Democrats or the Republicans, officers at that poll, that any unfair thing was done?—A. No; not between ourselves. Sometimes a crowd come up to the window and I ordered them away.

Q. Why?—A. Because they interfered with our business; that is what I thought.

Q. And you were a Republican judge at that poll?—A. Yes, sir.

Cross-examination by counsel for the contestant, Mr. POLLARD:

Q. Who were the other judges, Mr. Gruenewald?—A. Mr. Ward and Mr. Coyne.

Q. Do you know what Mueller's and Ward's politics are?—A. I do not.

105 • Q. Who were the judges who received the ballots?—A. Mr. Mueller and Mr. Ward.

Q. They were stationed at the window?—A. They were stationed at the window.

Q. Your duty to count the ballots with Mr. Coyne took nearly all your time, did it not?—A. Oh, yes; sometimes we would get a good many votes during the hour, and that would take us all the rest of the hour sometimes; but that was not so all during the day.

Q. But, in order to count those votes properly, so as to make no mistakes, it took substantially all your time, did it not, Mr. Gruenewald?—A. Yes, sir; it did.

Q. And you didn't have much time to see what the registrar was doing, except when he sat at the table there with you?—A. Yes, sir.

Q. And when he registered a man he went to the window?—A. Yes, sir; if he was sworn by the register at the window they accepted him—they took him. The supervisor was there; his name was Mr. Irish.

Q. What are his politics?—A. I don't know.

Q. What is his business?—A. He keeps the Western Hotel.

Q. Is he an Irishman?—A. I do not know.

Q. Now, it is a fact, is it not, that there were a great many negroes

applied there for registration that day that were refused?—
106 A. There was a great many.

Q. In your judgment, as many as fifty or sixty, were there not?

—A. There was a great many there; I couldn't count them.

Q. Somewhere in that neighborhood?—A. When they come there a crowd followed them.

Q. And isn't it a fact that nearly every colored man that presented himself there at the polls that day to be registered was refused?—A. Well, a great many of them was; not every one.

Q. How many colored men were registered there on that day, that you know of, of your own knowledge?—A. Well, I couldn't tell.

Q. Do you know how many men were registered at that poll that day?—A. They said there was fifteen or seventeen, I believe.

Q. All told?—A. White and black; yes, sir; all told.

Q. Consequently there was nearly every colored man who applied for registration refused there that day; of course, it was not your business, was it?—A. No, sir.

Q. That is, to determine whether they were qualified or not?—A. No, sir.

Q. That was the registrar's business?—A. Yes, sir.

Q. And you are not prepared to say whether they were qualified voters or not?—A. No, sir.

107 Q. That was no part of your business?—A. That was no part of my business.

Q. But he, from some cause or another, refused to register almost every colored man that came there to register that day?—A. Yes, sir.

Q. You said there was on some occasion pretty loud talking between the registrar and some of these colored men; was it apparently a demand on the part of the person who wanted to register, and the refusal of the registrar to do the same, which caused this loud talking?—A. Yes, sir.

Q. Did you hear what reasons this registrar gave for refusing to register these colored men?—A. No, sir.

Q. That you can't tell?—A. No, sir; that I couldn't tell.

Q. Don't you know it to be a fact that this registrar was a Democrat?—A. Well, he was appointed by the Democrats.

Q. And you believe him to be a Democrat?—A. Yes, sir.

Q. Do you know how many colored men voted there that day, at that precinct?—A. No, sir.

Q. Do you know a man named Haggerty, who is a horse-dealer?—A. Yes, sir.

108 Q. Was he around the polls that day?—A. Yes, sir; I ordered him away.

Q. He is a Democratic politician there, is he not?—A. Yes, sir.

Q. Wasn't he challenging a great many colored votes?—A. Yes, sir.

Q. Didn't he, in fact, challenge every colored man that came there to vote?—A. I couldn't say that, because I was busy.

Q. But he challenged a great many?—A. Yes, sir.

Q. And he raised objections to a great many negroes who attempted to register, did he not?—A. Yes, sir.

Q. And didn't the registrar act more upon the suggestion of this man concerning the refusal to register these colored men, than upon his own knowledge or information?

(Mr. Donovan, counsel for the contestee, objects to the question, because the witness has in answer to a previous question of the counsel for the contestant, Mr. Pollard, stated that he was busy with his own

affairs, and was some (12) twelve feet away from the window, and only noticed some five or six cases of registration refused.)

Mr. POLLARD. The counsel for the contestee seems to be extremely touched if I see fit to ask his witness in cross-examination a single question.

Q. You say that you ordered this man Haggerty away from 109 the polls on one or two occasions, why?—A. Why? Because he was against allowing these to come up. I thought it was their place to keep one hundred and fifty feet away. There was often loud talking, and it prevented us from hearing, and necessarily annoyed us considerably. So I went to the window and said, "That is where your place is," and referred him to the officer; he called him some bad names.

Q. Did he come back again?

WITNESS. After that?

COUNSEL. Yes.

A. Not directly.

Q. The fact is, so far as you know, you were the only Republican there, among all those officers, were you not, the judges and clerks?—A. Mr. Mueller was a Republican also.

Q. He was another judge?—A. He was my associate judge; we were the only Republicans that were there.

Q. The other judges and clerks, and the registrar and supervisor, were all Democrats?—A. They were all Democrats; yes, sir.

Q. And the result was that these things were done substantially as they demanded they should be done, because they out-voted you on every occasion?—A. Yes, sir.

Mr. DONOVAN. Mr. Pollard puts a question into your mouth, and you say "Yes, sir," to the proposition that he suggests to you in every 110 instance; now, didn't you always agree on that matter that you consulted about?

A. Well, that was not my business there.

Q. Did you always agree; were you ever out-voted on any proposition; was not your proceeding there between yourselves harmonious?—A. Certainly; the difference was always settled at the window.

Q. And as between yourselves you were never out-voted because your action was harmonious?—A. We never did have any trouble about it.

Mr. POLLARD. Because you found it would be no use to make any trouble where there was six or seven Democrats to two Republicans?

A. Yes, sir.

Mr. DONOVAN. Now, Mr. Gruenewald, why do you say "Yes, sir," to every question that Mr. Pollard puts to you? Did you have any disagreement with the other judges that day?

A. No, sir.

Q. You had none whatever?—A. No, sir.

Q. Therefore there was no necessity for Mr. Pollard's question; therefore there was no necessity of your stating that you were out-voted?—A. No, sir.

Q. There was no necessity of that question because you had nothing to disagree about?—A. No, sir.

Mr. POLLARD. The reason that there was no disagreement was, as you stated before, because you knew that it was useless to disagree?

111 A. That was just this way; the judges and clerks there all

know each other, and we never quarreled at all; during nearly all of the elections we had generally been judges and clerks there.

Q. And as a judge of election you did not have any right to interfere with the registrar, he was an independent officer?—A. Yes, sir.

Q. He could register whom he saw fit, that was his business; was it not?—A. Yes, sir; I suppose so.

Q. Consequently, there was no occasion for any disagreement or agreement with him, one way or the other?—A. No, sir; I suppose the supervisor and he had full charge of that.

Signature waived.

EDWARD WARD, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Give us your full name?—Answer. Edward Ward.

Q. You live in the city of Saint Louis?—A. Yes, sir.

Q. Were you an officer at poll No. 40, in the neighborhood of
112 Fifth and Carr streets, on the second day of November, at the election?—A. Yes, sir; I was clerk of the election, appointed by the mayor.

Q. Well, did you act?—A. Yes, sir.

Q. Who were the other officers at the poll?—A. Mr. Gruenewald, Mr. Coyne, myself, and Mr. Irish, and Mr. Julian. We were short of officers.

Q. Mr. Irish was the supervisor, and Mr. Marcus Julian was the registrar?—A. Yes, sir.

Q. How many of these were Democrats, and how many were Republicans?—A. I couldn't tell that; any more than myself. I suspect that Mr. Irish was a Democrat. Mr. Coyne was the same; and myself. I never turned my coat yet, and never will.

Q. What was the politics of Mr. Gruenewald and Mr. Mueller?—A. I understood they were Republicans.

Q. Did you observe the manner in which proceedings were carried on at that poll, on that day?—A. Yes, sir; I never stirred from there from the opening of the polls until the closing. Never.

Q. Did you or did you not observe any unfairness on the part of the officers of that poll towards the voters on that day, white or black?—A.

Not a particle, sir, not a particle; I was in my position at the
113 table, and Mr. Mueller was receiving judge in the window, he called out the name to me, and I had the poll books of citizens' names enrolled in that precinct, every man I would see if the name is there as Mr. Mueller sung it out to me; if the man was there as a citizen enrolled at that time, at that poll, his vote was received; no matter whether he was white or black.

Q. Now, how did Mr. Julian, the registrar, conduct himself in performing the duties of his office?—A. Mr. Julian was right opposite me; I was here on this side of the table, and Mr. Julian was on the other side. He acted according to the instructions that he had, the printed instructions that he had from the chief registrar. He put the question to the gentleman whoever it might be, whether white or black, and if he was qualified he registered him, and I wrote the name on the book.

Q. He put questions to them, whether they were white or black?—A. He put questions to them, whether they were white or black.

(Mr. Pollard, counsel for the contestant, objects to the question be-

cause it is leading, and as putting the answer in the witness's mouth, and making him swear to the statement which the counsel for the contestee makes, not considering whether they be facts or not.)

By Mr. DONOVAN:

Q. How did he treat colored men that came there and offered to register?—A. He treated them, sir, as he did the whites, sir; with the exception, I believe, that there was a little more explanation required as to whether they were living at the places they claimed to live—whether they had been living there long enough. He required them to bring witnesses of the fact that they were living there long enough, when they proceeded to register there. I believe I heard him make a few remarks to that effect with regard to a few colored men. They came up to the window and offered to vote, and we couldn't find their names on the poll books. Then we told them to go and bring citizens to identify them, and in no instance where they did that, were they refused registration.

Q. Do you think he refused as many as forty?—A. No, sir.

Q. Do you think that he refused as many as twenty?—A. No, sir.

Q. About how many do you think he refused?—A. Four or five, or six at the outside. I think the gentleman can certify to the fact himself; he is here.

Q. Now, from your observation of Mr. Julian's conduct on that day, what do you believe in regard to his conducting himself faithfully and honestly in the performance of his duty as registrar to every man, white or black?—A. He did that; he did that. I want to state here, my friend, that there was a gentleman spoke with myself, who went up to the Ninth ward and voted there from my place; of course he was not registered in my precinct. It appeared that his name was left on the poll books up in the precinct where he moved to before he come to me, and he went there and voted. He told me this at night when he come home that he had done so.

115 Q. What was his name?—A. Tom Hoade, carpenter.

Q. You say he lived with you in the same house?—A. Yes, sir; he lived with me; boarded with me.

Q. In what ward?—A. In the Fourth ward; and he went and voted in the Twelfth ward—the old Ninth ward.

Q. Who did he say that he voted for?—A. He voted for Sessinghaus.

Q. Where is that man now?—A. In Memphis, Tennessee.

Cross-examination by counsel for the contestant, Mr. POLLARD:

Q. All you know about that is what he told you himself?—A. Yes, sir; he told me that the night of the election.

Q. What is his politics; do you know whether he is a Democrat or a Republican?—A. No, sir; he voted the whole Democratic ticket except scratching Mr. Frost's name and putting Mr. Sessinghaus's in place of it.

Q. He is a Democrat?—A. He said so; he voted with the exception of that name. I told him—says I, "Mr. Hoade, you done wrong; you done an illegal thing; the election laws is not that way; you ought to vote in the precinct where you live and sleep and eat; if any difficulties occur I will report you; you have done a crime against the election laws of the State of Missouri."

116 Q. But you didn't have him arrested?—A. No, sir; I did not.

Q. Why not?—A. It was not my business then; he left me about two weeks afterwards.

Q. You didn't then have the man arrested when you knew that he

had violated the law?—A. No, sir; I did not; I only told him he had done wrong, and if he was in town—

Q. If he had voted the straight Republican ticket you would not have done this?—A. He voted the straight Democratic ticket.

Question repeated by the notary.

A. No, sir; I wouldn't.

Q. What is your business, Mr. Ward?—A. My business is boarding-house keeper.

Q. Where?—A. No. 1025 Broadway.

Q. How many boarders did you have on the 2d of November; I mean legal voters?—A. I couldn't tell you; we had a good many; we have a good many yet.

Q. About how many on that day?—A. Well, I can't exactly tell you, sir, may be I might have in the neighborhood of twenty or twenty-five.

Q. Do you know how many colored men registered there that 117 day at the polls?—A. Well, I don't really know.

Q. Well, about how many?—A. I couldn't swear, to be positive; but I don't think that there was any more than four or five, to the best of my knowledge. I didn't see a great many apply.

Q. About how many voters were registered there that day?—A. I forget now. I didn't take any notes of how many there were; I am not much of a politician. I didn't make it my business to make any count of the business, except to do my part as a good citizen, whenever I am called on.

Q. There were some thirty-eight or forty registered there that day, all told?—A. Well, I believe there was in the neighborhood of thirty-six new voters registered there. I wrote the whole of their names on the poll books myself.

Q. Who were the receiving judges?—A. Mr. Mueller, he stood at the window; he sung out the ticket and the name, the surname and the given name, as I remember; and as I was at the poll book, I got it right away; and if he was there, the vote was received, and I marked him voted.

Q. You acted as judge as well as clerk?—A. No, sir.

Q. How many judges did they have?—A. I never done nothing except attend to the books from the time I went in there until we closed. The judges, as I understood, was Mr. Coyne and Mr. Mueller; and the clerks, as I understood it, was Mr. Gruenewald and myself. We 118 had to do the work according to the number we had; we ought to have had more, but we didn't have it; but everything was peaceable and united amongst us.

Q. Now, you say there was a large number of colored men presented themselves for registration?—A. I didn't say a large number, sir; I couldn't say how many there was; a few that did come were registered, and some few were refused because they had no witnesses to certify that they were living where they said they did, and on that ground those that were refused were refused.

Q. You were at the window and saw all that applied for registration?—A. Well, I was not at the window, but I could see what was going on at the window.

Q. You devoted most of your time to seeing who applied?—A. Yes, sir; parties who had to register had to come right in there where we were, and register right opposite me; the registrar sat at the north side of the table, and I was on the south side, and I saw everybody who did register; and those that could not register, they come in and went out again. So I saw them all.

Q. So you saw every man that came to the window and asked to register, and was turned away by the registrar?—A. Yes, sir.

Q. Every man?—A. Every man.

Q. And the window, as I understand you was some twelve
119 feet from where you sat at the table?—A. It might be some twelve feet.

Q. What were your duties there, Mr. Ward?—A. The duty I took was mostly—after going into those polls—was to take hold of the citizens' poll book of that precinct and attend to that, and when the receiving judge called out a name, I found if that gentleman's name was on the poll book, and if it was I would mark him "voted."

Q. Then when a man came to the window and demanded to vote, Mr. Mueller, who stood at the window, sung out his name?—A. Yes, sir.

Q. You took the poll book and run down the list until you found his name?—A. Yes, sir.

Q. And you did that in every instance?—A. In every instance.

Q. Now many voters voted there that day?—A. The number I forget now, sir; I can't recollect; I have an indistinct idea that it was between two and three hundred. I think there was thirty-six newly registered voters there.

Q. I mean those who voted there that day?—A. Some three hundred, I believe. I guess so, sir; I could not be exact. I never took much notice. I did take a note of it, but haven't it about me.

Q. And a great many applied there whose names you searched for and did not find?—A. Yes, sir.

Q. How many?—A. Not many; of course if their names were
120 not there we had nothing to do with them; they had no right to vote there.

Q. And you kept this book that you had charge of and from which you got this information some twelve feet from the window, where you sat at the table?—A. Yes, sir.

Q. And you carefully searched for every name that was asked to be voted upon that day, did you not?—A. Of course; yes, sir.

Q. And was very careful not to turn a man away who said he was registered there?—A. No, sir; no man could be turned away that was registered; not a one.

Q. And to make quite sure of it, if you didn't find his name the first time on running over the list, you went over it again, if he said his name ought to be there?—A. Yes, sir.

Q. And probably three or four times?—A. If he was there I found him.

Q. If he persisted that his name should be there, if you didn't find it the first or second time you looked for it again?—A. I looked for it again, most assuredly.

Q. Now, as a matter of fact, Mr. Ward, you went there with the purpose of doing your duty towards all?—A. I did, sir.

Q. You went there to attend to your duty, and it alone, and to attend to it properly?—A. Yes, sir.

Q. And you didn't go there for the purpose of attending to
121 anybody else's duty?—A. I went there to do my duty myself.

Q. You were not appointed registrar of that precinct?—A. No, sir; I was clerk.

Q. And it was not your duty, was it, to examine the qualifications of people who presented themselves to this registrar, to see whether

they were entitled to register or not?—A. No, sir; no more than I saw him at the window; that was the registrar's duty.

Q. He was sworn to do that duty there?—A. Yes, sir.

Q. And you were sworn to do your duty there as clerk?—A. Yes, sir.

Q. Now, I want to know whether you paid more attention to your duty which you were sworn to do as clerk, or looking after the duties of the registrar, who was sworn to do his duty?—A. When I was doing my own duty I could see around me.

Q. Will you please tell me which duty you paid the most attention to, your own or somebody else's?—A. I surely paid the most attention to my own.

Q. You paid enough attention to your own duty to do it fairly and do it well?—A. Yes, sir.

Q. Isn't it a fact that in looking for these three hundred names
122 which you found, and in looking for a large number of names that you did not find, for which you looked two, three, or four times and did not find; isn't it a fact that that took you nearly all the time you had?—A. We had plenty of time. I know everything was fairly done there. Up there the polls were never without a complement from each party; I never stirred from the table after I went there until the count was made up. That's the kind of a man I am.

Q. You took an especial interest on your shoulders to see that affairs at that poll were conducted in a proper manner, and that every officer there performed his duty?—A. They could go out for a cigar or a glass of beer; but I didn't see anybody neglecting his duty; they all attended to their business.

Q. You undertook to see that the duties of all the officers at your poll were faithfully and exactly carried out?—A. Yes, sir; that was my chief object there.

Q. And there is no doubt, Mr. Ward, that you know full well whether or not the registrar did his duty?—A. I am satisfied that he did.

Q. And you know full well whether all the duties of the judges and the clerks were performed properly?—A. I am satisfied that they were, sir.

Q. Isn't it a fact that you know better whether they did their duty there than these gentlemen themselves know?—A. I couldn't say that.

I know that all did their duty. There was, I know, but a single
123 objection raised there—only one. I believe that was by myself.

I raised the objection whether I had the power to receive a Chronicle ticket. This objection was in regard to Chronicle tickets that were taken there that had Mr. Frost's name on it, but scratched, and Mr. Sessinghaus's name put in its place. There was another kind of Chronicle ticket that had Mr. Sessinghaus on it. There was four of those Chronicle tickets received that was counted for Mr. Sessinghaus and the name of Mr. Frost was crossed off. That was all the disagreement that we had there. Of course it was given in the hands of the supervisor, and he said it should be counted. That was all the disagreement that I saw there.

Q. There was no Chronicle ticket received with Mr. Frost's name on?—A. No, sir; not one if I saw it.

Q. And there certainly couldn't have been anything done there that you didn't see?—A. Well, as to counting, I would look around when we were not receiving votes. The judges counted ballots every hour. I could see how the votes were going.

Q. You know they counted them correct?—A. I am satisfied they did.

Q. Do you know whether Mr. Mueller at the window did his duty?—A. I am satisfied he did.

Q. And you know that the supervisor did his duty fully and faithfully?—A. Yes, sir.

124 Q. And you know that every officer at that poll, inside and outside, did everything that the law required them to do, and nothing that the law forbade them to do?—A. I thought so, and I think so yet.

Q. You are a Democrat, I believe you say?—A. Yes, sir; indeed I am, and I don't want to deny it either.

Q. And you devoted quite as much time doing your duty as your business required, did you not?—A. Yes, sir.

Q. What portion of the time did it take you to do your duty there, Mr. Ward?—A. What do you mean by what portion of the time; from the time I went there until the polls closed?

Q. That is what I mean.—A. I went there as the Democratic clerk—as a sworn officer to do my duty, as I understood it, under the laws; of course I went for the interests of my party, and to do what was right for both parties, so far as I understood my duty as a citizen, under the law of our State and city.

Question read by the notary.—A. Oh, yes, I understand you; I gave the answer to the gentleman as well as I know how.

Mr. DONOVAN. Give it to him for the third time.

A. I have been a citizen of the city of Saint Louis for twenty-five or twenty-six years; the mayor thinks me worthy to appoint me judge or clerk in my precinct, No. 40, in the Fourth ward, I being a Democrat; so I went at the opening of the polls and staid there until the
125 closing of those polls; I worked in the interests of my party.

If the other party has a good citizen sworn to do right, then it will be all right. I did my duty, as I understood it, under the rules under which I was appointed. I done that. I went and took hold of that book—the citizens' roll-book—with every citizen in that precinct duly enrolled and registered there as a citizen entitled to vote. As far as them citizens who came to cast their ballot, it made no difference whether they was Republican or Democrats. If their names was on my book I marked them down, with the number of their ballot opposite to their name on the same line, and marked "voted." That was my duty.

Q. And you did that all day?—A. From the opening of the polls to the closing thereof, sir.

Q. Every moment of the day?—A. Every moment of the day.

By Mr. POLLARD:

Q. Doing the duty that you were sworn to do there?—A. Yes, sir; as a citizen.

Q. You were sworn to do the duty of a clerk there, were you not?—A. Yes, sir.

Q. You were not sworn to do the duty of any one else there?—A. I suppose not.

Q. And the judge and the clerk they were both sworn to do their duty?—A. Yes, sir.

Q. And that took you every moment of the day, from the
126 time that you went there until the polls closed?—A. It didn't take me every minute; there was no voters coming there every moment of the day.

Q. What proportion of the day did it take you to do your duty there?
 —A. I couldn't tell you what proportion of the day. If you were living in that district (and I don't know but what you are), and you come there and offered to vote, it may be nine o'clock, or it may be half past nine, Mr. Mueller would receive your vote, and he would sing out your name; I would then look for your name on my book if I found it; I marked it down as "voted," and so on, according as every other citizen would come there. I done the same with each; and where he did not come I had nothing to do.

Q. My question is this; I will repeat it; may be I can make it clearer.
 WITNESS. I hope you will do so.

Q. I asked you what portion of the day—what part—how much of the time—the duties of your office as clerk kept you busy?—A. Well, I would say the whole day for that matter; every moment of the day.

Q. From the time that you went there in the morning until the polls closed in the evening?—A. Yes, sir.

By Mr. DONOVAN :

Q. Mr. Ward, did you have a Jurgensen time-piece in your
 127 pocket to enable you to check off the quarter seconds?—A. No, sir; I did not.

Q. To see how many seconds or quarter seconds, or how many minutes it took to mark the number of the ballot and the word "voted" opposite the voter's name; you did not keep an accurate record of that?
 —A. No, sir.

Q. Mr. Ward, are you satisfied that the registrar at that poll did his duty faithfully?—A. I am, sir; perfectly satisfied.

Q. Are you or are you not satisfied that those men who swore from that stand that they were improperly refused by Mr. Julian, the registrar at that poll, lied when they said so?—A. Yes, sir.

(Mr. Pollard, counsel for the contestant, objects to that testimony for the reasons that notwithstanding the fact that this witness has sworn that he was sworn to do his duty there at that poll as a clerk, and not do anybody else's duty; notwithstanding the fact that the same witness has sworn that it took him every minute in the day to do his duty from the time of the opening of the poll in the morning until the closing of the same at night; notwithstanding that he has sworn that he watched every other officer at the polls there, and knows what every other officer there did, frequently much better than the officer himself; notwithstanding the fact that he knew every person, as he swore, that
 128 came there, whether or not they were properly qualified to register, although it was, as he understood it, his especial duty to have charge and control of the business of that office in general and of the poll book in particular; notwithstanding all this, the counsel for the contestee now desires to have this witness swear that nearly every other person that approached the polls on that day in that precinct perjured himself, and I apprehend that the witness is quite ready and willing to make even that statement; but I don't desire that he shall be allowed to make any such statement as that, and I protest against it.)

By Mr. DONOVAN :

Q. I allude now, Mr. Ward, to these wharf-rats who were used as witnesses by the contestant, who stated that Mr. Julian acted unfairly and refused them registration; was there a hoard of such present themselves at that poll?—A. No, sir.

Q. Then you mean to say that you observed what was going on there at that poll, because you were in an ordinary room and could easily ob-

serve what was going on?—A. Yes, sir; I couldn't see Mr. Irish all the time, but I could see all those that were around me.

By Mr. POLLARD:

Q. Mr. Ward, do you know a man named Theodore Josephson?—A. No, sir; I never knew him; he never was with me. Somebody came there from the Republican quarters to register, but the man you have last mentioned was not with me.

129 Q. Do you know a man named Peter Conley?—A. I never knew that man Josephson; he never was with me; they said he belonged to the Republican central committee; but the man was never with me.

Q. Do you know Peter Conley?—A. Yes, sir; I do. He is a river man; he is on the river now.

Q. And was on the river last fall?—A. No, sir; he was stopping with me at the election times.

Q. How long had he been stopping there?—A. He was off and on for the last two years.

Q. What boat is he on?—A. Well, I can't exactly say what boat he is on, or what boat he went away on; he is down South now.

Q. And had been for the last three or four years?—A. Off and on. I have more river men.

Q. Do you know T. Bill?—A. He is a brother-in-law of mine; he lives with me.

Q. Do you know a man named Sam Higgins?—A. Yes, sir.

Q. Where does he live?—A. He is not with me now.

Q. I ask you where he lives?—A. He lived with me; that is, at one time.

Q. Where does he live now?—A. I don't know. He lived with me then. He is a mechanic; he is a blacksmith, working at Gerard B. Allen's.

Q. How long had he been living with you?—A. I couldn't answer. I could tell if I had my books here—the books of my boarders; I could tell you the date when they came to me, and when they left me.

Q. Had he been living with you four or five years?—A. No, sir; he had not.

Q. Had he been living with you four or five days?—A. I guess he had five or six months.

Q. When did he leave you?—A. He left me probably a month or six weeks after the election.

Q. Do you know where he went?—A. I don't know, sir; it is none of my business to inquire. I suppose he went to better his condition.

Q. Do you know whether he ever registered?—A. No, sir; he never did register. He registered at the poll.

Q. That day?—A. Yes, sir.

Q. And voted?—A. Yes, sir.

Q. And voted the Democratic ticket?—A. I couldn't say, sir.

Q. Do you know a man named William F. Price?—A. No, sir; not as I know of; he might be a man with me. I couldn't tell. I have a good many boarders.

Q. Isn't it a fact that he did live at your house on election day?—A. I couldn't say, sir; if I had time to look at my books I could tell you much better.

131 Q. Do you know a man named John T. McNamara?—A. No; I do not.

Q. Did he board with you on election day?—A. I couldn't say, sir. I don't remember now.

Q. Do you know a man named Owen Foley?—A. No, I don't know, sir; he might be there for all I know. There are a good many lodgers that I have. Of course, if they are a year with me I would remember them. I believe a good many of them registered; I have their names on the books; but I have no memorandum or record of them at present. I suppose that they were there, and their names were on the citizens, poll books, and they had a right to vote there; if they hadn't had a right to vote there they wouldn't have been received. I am satisfied of that.

Q. Theodore Josephson, Peter Conley, Owen Foley, John T. McNamara, and Sam Higgins all registered at that poll from your number, did they not?—A. I know that Sam Higgins did; but as for Foley and McNamara, I don't think they did.

Q. And if they did register from your number on that day—if Foley and McNamara did register from your number on that day, they had no right to do so?—A. I couldn't say that; I couldn't say that they had no right; I suppose the registrar or myself wouldn't have allowed them to register from that number, or any number, if they had no right to register or to vote there; unless they were citizens, unless their names were on the books as citizens. Of course, if they had been living in the city of Saint Louis for, may be a year and a half or two years, and had never been registered on our registration, and it was
132 known that he was a citizen, and living with me such a length of time, that he is working at the Broadway foundry, and I know that he was entitled to register, of course, he was registered at the polls. I know that Sam Higgins is one of them.

Q. Do you know whether these men, McNamara and Foley, registered at the polls that day?—A. I couldn't say, sir. Of course, I wrote the names down on the poll book of all that registered at that precinct on that day; I wrote every name down on the book, but I don't remember the names now; if I had the books here I could tell you.

Q. Do you know Dennis Curley?—A. No, sir; I don't know him.

Q. If he registered on that day from your house, did he register properly?—A. He did, sir; if he hadn't registered properly I wouldn't consent to have him registered.

Q. Well, he registered there that day, did he not?—A. I couldn't say, sir. I suppose, sir, if you got that off the books, then he did register properly.

Q. Do you know George B. McElray?—A. No, sir; I do not know him.

Q. Did such a man as that register at the polls?—A. I couldn't say, sir.

Q. On that day, and from your number?—A. I couldn't say, sir. If he registered from my number, he registered right. I haven't the names of those men; I have the names at home. I didn't think it was
133 necessary to bring them.

Q. Then you don't remember the name of every man that registered there that day?—A. No, sir; I do not.

Q. And you do not remember the names of all the men that registered from your house?—A. No, sir; I could do it when I get home. I have got the names of those men that registered on my books at home.

Q. But there is no earthly doubt that on that day that every man who did register and did vote, you took particular note of?—A. Of course, that was settled by the registrar who was there. It was his

business to see that they were properly qualified to register, or else he wouldn't do it. It was none of my business.

Q. You say that there was an exception made there in regard to colored men who applied for registration, in this, that they were required to bring some one there who knew them to identify them?—A. Yes, sir; a few; they would come to the window on the outside, and Mr. Miller would say to him—this one came there two or three times to attempt to vote, and some of the boys outside—he came so often—that they discovered that he was not a properly qualified voter, and not properly qualified to register. We couldn't find his name on the book, and on that account he was prevented from registering; not any more than one, though. I say we did register a few colored men inside that was entitled to; I put their names down.

134 Q. Do you know their names now?—A. I do not; I do not.

Q. But there was in every instance where a colored man—as I understood you to tell Mr. Donovan—who wanted to register, he was required to bring some evidence of his identity?—A. Some of them were.

Q. And that was not required of any white man that offered to register there that day?—A. No, sir; nothing more was required of a black man than of a white man.

Q. I ask you whether that was required of any white man that came there to register that day?—A. Certainly he was.

Q. Every white man that came there to vote?—A. If a white man tried to vote or register from a number that a white man lived at, or where we did not know a white man lived, of course that white man was not registered there if there was not some evidence to satisfy the registrar and the supervisor and the judges that he lived there.

Q. Now, Mr. Ward, in answer to a question which Mr. Donovan put to you, you told the notary that there was an exception made in regard to colored men; that they were compelled to bring witnesses to identify them; what do you mean by that?—A. I said there was no exception made any more with colored than with white men.

Q. Then you did not make any such answer to a question of
135 Mr. Donovan's?—A. No, sir; if a man demanded a vote there, and his name was not there, white man or colored man, there was a suspicion against him that he was trying to get an illegal vote. It was the same way with white and colored. Men trying to register from my number wouldn't be taken unless I spoke for them, and said it was so and so long that they lived in that precinct, and they were entitled to vote. The same thing was used in regard to the colored men.

Q. Did you not state, in answer to a question put to you by Mr. Donovan, that there was an exception made in the case of colored men who came there to vote; that they were required to be identified?—A. I said that they were; I said a few of them were so. There was some of them around there on Seventh street that came around there two or three times to vote.

Q. You did say that there was an exception made?—A. I said that the judges told them to go back, and before they could be registered that they must bring some one to satisfy the judges that they lived there.

Q. But that was not required of any white man, was it?—A. Certainly it was.

Q. Then the white men and black men were treated exactly alike?—A. I don't know what you are trying to get at. You don't want me to say one thing one minute and another thing right afterwards. I don't

want you to try to bulldoze me. You can't catch me in anything wrong, because I haven't done any. I want to get a fair deal, if you please.

136 Q. I ask you this, Mr. Ward, whether or not you did not say that there was an exception made in regard to colored men?

Mr. DONOVAN. I object to the question, because the witness has repeatedly stated that white and colored men were treated exactly alike.

WITNESS. Yes, sir; I say that again.

Mr. POLLARD. I shall repeat my question until I get an answer.

(Question read.)

A. I stated in one instance, Mr. Notary, to answer it satisfactorily, that in one instance a colored man came outside there three or four times and wanted to vote; I looked over the polling list of voters for his name and I couldn't find it. I told Mr. Miller so, and he can bear me out; he was receiving judge at the window. And we all came to the conclusion that he should bring testimony, colored men or white men, to satisfy the judges that he was living at the number that he proposed to register and vote from. That is the only exception that I know of during that whole day.

Q. Then you did not tell Mr. Donovan that there was any exception made in regard to the colored voters there at that polling precinct?—

A. No, sir; that is the amount of it; that is all I know of.

Q. And there was not any more discrimination made on that day, except in the case of that one colored man, who you say came and attempted to vote three or four times?—A. No, sir; he came there in his shirt-sleeves; his name was not on the list, and they said he had to

bring witnesses to satisfy the judges that he was living at that
137 number. He proposed to vote there, but we couldn't find his name. That is all I can say. I saw colored men come right where we were, and be registered by our registrar, just the same as a white man.

Q. When you told Mr. Donovan then that there was an exception made—

WITNESS. It don't make any matter, sir; you can question me here till morning on that matter, but I have answered you that matter. I explained that colored man's exception; I believe some more of the judges will bear me out in that.

Q. When you told Mr. Donovan that there was an exception made in regard to colored men, you told him that which is not a fact, did you not?—A. I have explained that exception right there to the notary just a few moments ago.

Q. And when you said that there was an exception made in regard to colored men, you only meant this one man?—A. That one man, sir. He didn't register, and he didn't vote.

Q. Why didn't you say so at the time the question was first asked?

Mr. DONOVAN. For the simple reason that Mr. Pollard proposes to consume our time with every conceivable nonsense.

A. If I could have looked at my books I could better answer your questions. My memory is pretty good, but I can't swear to all these things without examining my books. I did not think that there would be such a strenuous effort placed on my answers as to try to confuse me, and get me to make a false statement, which I don't like to do.

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By Mr. POLLARD :

Q. Which you wouldn't do under any circumstances?—A. No, sir; I wouldn't like to do it, but I might do it if I didn't understand it.

Q. But if you know what you are about you wouldn't state that which you know is not so?—A. No, sir; I wouldn't like to make a false statement or make a wrong statement; sometimes the best of us will err.

Q. There are a great many colored men in that precinct, are there not. Mr. Ward?—A. I don't believe there is very many.

Q. About how many are there, Mr. Ward?—A. I couldn't tell; I never looked after the colored men much.

Q. But on Sixth and Seventh streets there are a good many colored men, are there not?—A. Yes, sir; around in there. We don't take in only the eastern side of Seventh street.

Q. You take in Sixth street and the east side of Seventh street?—A. Yes, sir; that is all we get of them. The greater portion of them go somewhere else.

Q. Do you know Haggerty, the horse-trader?—A. Yes, sir.

Q. Was he at that poll during that day?—A. I believe he was.

Q. He is a Democrat, I believe?—A. Yes, sir; I expect him to be so.

Q. Didn't he challenge a great many colored voters?—A. I couldn't say, sir; I never seen him that day.

139 Q. Never saw him that day?—A. No, sir; I never saw him that day; he was on the outside if he was there, and I was on the inside.

Q. And if he came to the window and challenged several votes, you didn't see it?—A. I did not.

Q. But he might have done it?—A. He might have done it.

Signature waived.

140 HENRY MILLER, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN :

Question. What is your full name?—Answer. Henry Miller.

Q. How long have you lived in the city of Saint Louis, Mr. Miller?

—A. About twenty years and a little over, I believe.

Q. What is your business?—A. Grocery and bar-room, Sixth and Wash streets, northwest corner.

Q. Were you an officer at poll No. 40?—A. Yes, sir.

Q. That poll was located on the corner or near Fifth and Carr?—A. Fifth, near Carr street.

Q. Do you think that the gentleman that has just preceded you has told substantially all that transpired there on that election day?—A. I didn't take particular notice of his evidence. I was outside most of the time.

Q. What are you in politics?—A. I was a Republican.

Q. Do you mean to say that you have always been a Republican?—A. Yes, sir.

141 Q. Were you a Republican judge there at that poll on that day?—A. I was appointed as such.

Q. Did you know your brother judges, and the clerks, and the officers at that poll?—A. I did.

Q. Were they honest men?—A. Yes, sir.

Q. Did they perform their duty faithfully under the law?—A. Yes, sir.

Q. Did you have any disagreements amongst yourselves?

Mr. POLLARD. We object to the question as leading. Let him ask the witness what was done. This is his own witness, an intelligent gentleman, and able to answer for himself.

WITNESS. We did not.

Mr. DONOVAN. The action then taken by the officers of that poll was agreed to by all, Democrats and Republicans alike?

Mr. POLLARD. We again object to the question, because it is leading, and putting into the mouth of the witness the answer that he desires him to make.

Mr. DONOVAN. State the facts, Mr. Miller, since Mr. Pollard seems to be so tender-footed about the obstinate truth that is in this cause.

A. We acted harmoniously together.

Q. Do you know Mr. Julian?—A. He was serving as the registrar that day; I didn't know him before.

Q. Were you receiving judge, or counting judge?—A. I was receiving judge.

142 Q. Was Mr. Julian at the window with you?—A. He used to come there sometimes when he was registering. He was rather further back in the room.

Q. Did he, or did he not, treat respectfully the people that came to the poll who wished to register?—A. I haven't seen him act in any other way.

Q. Did he treat white and black alike?—A. Well, yes; he treated them alike.

Q. Did you see him violate any portion of the duty imposed upon him by law that day?—A. I did not.

Q. Did you see him refuse any party the privilege of registering who had proven themselves to be duly qualified to register?

Mr. POLLARD. We object to that question as leading; all the questions of the gentleman are leading attempts to make the witness say "yes" and "no" to the propositions which he puts to him?

WITNESS. No, sir; I did not.

(Cross-examination by Mr. POLLARD:

Q. Mr. Miller, you stood at the window there that day?—A. Yes, sir.

Q. Receiving the ballots?—A. Yes, sir.

Q. And what was going on inside, you didn't know much about?—

A. I would have seen some of it.

143 Q. But most of the time you were employed at the window?—

A. Yes, sir.

Q. And whatever this registrar did when he was back behind you, inside there, you can't tell?—A. No, sir; I couldn't tell.

Q. And don't know?—A. No, sir.

Q. And whether he refused to register men who were entitled to register, that you don't know?—A. No; I do not; I didn't see it.

Q. You don't know whether the men who applied to him were qualified or not, do you?—A. No, sir; I could not know.

Q. Were you ever registrar?—A. No, sir.

Q. What his duties were under the law on the second day of last November you don't know?—A. The registrar's duties? No; I don't know.

Q. And then whether he violated the law in any instance when you were at the window receiving votes there, and he was at work in the back part of the room, behind you, you can't tell, can you?—A. No, sir.

Q. Do you know how many colored men were registered there that day?—A. I have no idea.

Q. Was there not a large number, some fifty or sixty colored men who approached the window when you were receiving the
144 ballots there that day, whose names were not on the poll book?

Mr. DONOVAN. I object to the question, for the reason that there might have been five hundred negroes there whose names were not on the poll books; let the gentleman ask him if there were fifty or sixty negroes who offered to register that day and were refused.

A. There was several of them; I don't think there was that many of them.

By Mr. POLLARD:

Q. About how many of them were there?—A. About half of that; I should suppose some thirty or forty.

Q. Now, did those men go inside for the purpose of registering in there after their names were not found on the books?—A. Some of them did and registered; how many went inside, or how many staid out, I don't know.

Q. Whether those men went inside, you don't know?—A. Some went in and registered, and some didn't.

Q. Isn't it a fact that five or six of the votes of those colored men, who had registered and voted there that day, were thrown out by the judges of election and not counted?—A. In the envelope for rejected votes there was five or six voters who had been stricken off by the reviser, which were placed in the envelope and afterwards placed in the poll box and they were not counted.

Q. How many colored men were registered there that day to your knowledge?—A. Well, I can't answer that question.

Q. You don't know?—A. No, sir.

145 Q. You don't know whether there was ten or forty?—A. No, sir; I know there was not forty; and I don't think there was ten. I didn't set a figure on them.

Q. Isn't it a fact that there was only three that registered there that day?—A. I am not positive.

Q. Isn't that your present recollection?—A. No, sir; I have no recollection about the figures.

Q. Was not every officer who was connected with those polls on that day, with the exception of yourself and Mr. Gruenewald, Democrats?—A. Well, I really don't know; I think so; but I am not positive of it.

Q. You saw Haggerty around there that day?—A. Yes, sir; he was making considerable noise outside of the polls.

Q. He is a Democratic ward politician?—A. He looked to me that way.

Q. Did he not, on that day, challenge the vote of a great many negroes?—A. He challenged a couple of times; two or three times I recollect.

Q. Did he not endeavor to prevent negroes from going inside and getting registered that day?—A. I haven't seen it.

Q. If he did so, it was when you were away receiving the ballots?—A. I could not see it.

146 Q. Was the door which led into the room where they had to go to register in plain view of the window where you had to receive the ballot?—A. Not exactly; it is kind of inside; there was a high stone right there, and they had to go round it in this manner (indicating) to get in the room where the registrar was.

Q. So you could not see who did or who did not go in there from the window where you were?—A. I could see who went in there, but I couldn't see what was going on right there, or what was going on in there.

Q. You couldn't see all that was going on?—A. No, sir; I couldn't see it all.

Q. And whether these people that went in there were registered or not you can't tell?—A. I can't tell; no, sir.

Q. That precinct is a heavy colored precinct, is it not?—A. No, it is not.

Q. About how many voters are there in that precinct?—A. Well, I haven't got any idea how many is registered from there—I mean colored votes; I think there was some two hundred votes registered there, white and black.

Q. There are a large number of colored men living in the alleys between Sixth and Seventh streets, and also on the east side of Seventh street and on Sixth street, are there not?—A. On Sixth there is some; there is considerable on Seventh street, between Wash and Carr, and in the alleys that I know of.

Q. You never knew Mr. Julian, the registrar, until that day?—
147. A. I did not, sir.

Q. You didn't know what his business was?—A. No, sir; I never knew anything about it. I didn't hear on that day. He came in about 10 o'clock. We didn't have no registrar in the first part of the day.

By Mr. DONOVAN:

Q. Mr. Miller, at the voting place there was a door?—A. Yes, sir.

Q. And a panel was taken out of that door, at which the receiving judge was to stand, and you stood at that open panel?—A. Yes, sir.

Q. When a voter came in to be registered you had to open the door and let him pass in?—A. Yes, sir.

Q. So you could observe everybody that came in to register and everybody that went out?—A. Yes, sir.

Q. Whenever a party applied at the window and wished to register, did you call Mr. Julian to the panel?—A. I did generally; yes, sir.

Q. And you then heard their conversation while both stood at the window—yourself and Mr. Julian?—A. Yes, sir.

Q. Now, you see Mr. Pollard has very adroitly, in the examination of the other witness, chased Mr. Julian to the door, so that he could not observe what he did there, although they observed that Mr. Julian had done his duty. Now, Mr. Pollard is as adroitly chasing Mr. Ju-
148 lian from the door, where you observed his actions, back to where these other gentlemen were. Now, was not Mr. Julian's action at the door in your presence, and was not all the conversations that he had with these witnesses through that open door—through that open panel—were you not standing at his side?

(Mr. Pollard, counsel for the contestant, objects to the question as a rehearsal of a pretended lot of testimony which never has been elicited, and because it is a statement made to the witness for the purpose of making him swear to some facts which the contestee certainly thinks will help him out in this matter.)

Mr. DONOVAN. If Mr. Pollard would only agree with me in this respect that all the stump-speeches should be printed and inserted at the close of the testimony it would facilitate us very much. (To the witness.) I wish you would answer the question.

Mr. POLLARD. When I have made one stump-speech for twenty that the gentleman on the other side has made, his remarks will come with more force than the observation which he has just made.

WITNESS. Most of the time he did; yes, sir.

Mr. DONOVAN. He stood by your side ?—A. Yes, sir.

Q. And you could then observe all that he did and hear all that was said, and could see all that was passing between him and the voter ?—

A. Yes, sir.

Q. Have you read the law regarding the duties of registrar ?—

149 A. Not this last election ; but four years ago I did.

Q. You understand them, then ?—A. I thought I understood something about it.

Mr. POLLARD. Now, Mr. Miller, when this registrar came to the door to hold conversation with these gentlemen who wanted to register, did you make it your especial and particular duty to assist him in that conversation, and to listen to every word that was said between him and that man who wanted to register ?—A. I did not make it my business. If I had anything else to do I didn't take no note of it.

Q. And you were busy with a duty of your own to perform ?—A. Yes, sir.

Q. And that was the first thing that you had to do ?—A. Yes, sir.

Q. And you did not neglect that duty in any instance for the purpose of doing anything else or doing the duty of the registrar ?—A. I did not.

Q. And whatever you heard between the registrar and the man desiring to register you heard casually when you were doing your duty, and nothing else, and without paying any particular attention to it ?—A. Yes, sir.

By Mr. DONOVAN :

Q. Well, you could not help observing what passed in your immediate presence ?—A. I didn't make it my business to do so. I had my
150 own duty to attend to.

Q. But only one man could approach the window at a time ?—A. Two could stand there.

Q. You were all in a small space, and had to talk through a panel six inches wide ?—A. Oh, it was wider than that ; I suppose it was 18 by 16 inches wide.

By Mr. POLLARD :

Q. Now, isn't it a fact that a good many colored men made complaints there because they could not get registered ?—A. Not that I know of. They came there to register, and they didn't bring satisfactory proof ; that was the complaint.

Q. Then, they did complain there ?—A. Yes, sir ; they couldn't prove that they were living there, and couldn't bring no witnesses to the fact.

Q. You learned that from the registrar, and you also learned from him that he required these colored men to bring people there that did know them, and would swear that they lived in these places where they pretended to live ?—A. Yes, sir.

Q. How many of these colored men said that they could not find white men who would come and vouch for them ?—A. I do not know that ; and then they have not been requested to bring white men.

Q. How do you know ?—A. Well, these parties which I have reference to have complained to me.

151 Q. But what this registrar would say to them when you were not paying any attention to them you don't know ?—A. No, sir.

Q. And, of course, you couldn't tell that ?—A. No, sir.

Q. He might have told a large number of them that they must bring

white men there to identify them, and you might not have heard it?—
A. Oh, yes; he could have done that.

By Mr. DONOVAN:

Q. He might have swallowed the door-knob if his mouth was big enough, mightn't he—since Mr. Pollard is dealing in impossibilities?—
A. He might if it didn't stick in his throat.

Mr. POLLARD:

Q. That is just about as probable as many of the questions which the gentleman has asked you, is it not—the door-knob probability—the last question which he has asked you?—A. I don't understand that.

Q. In reference to swallowing the door-knob, the question which the gentleman has just asked you about swallowing the door-knob is on a par, as to probability, with many other questions which he has asked you, is it not?—A. Yes, sir.

Mr. DONOVAN:

Q. That question is only asked, Mr. Miller, to illustrate the re-
152 gion of possibilities that Mr. Pollard is so apt to indulge in in asking questions of witnesses on the stand. Isn't that the only reason why I referred to the swallowing of this door-knob?—A. I think it is.

Mr. POLLARD:

Q. I want to know whether you know what reason Mr. Donovan has for asking such questions as he did ask you concerning the swallowing of the door-knob; if you have any idea why he asks any such questions. Do you know what he means by such inquiries?—A. I haven't the least idea in the world.

Q. You know just about as much about swallowing a door-knob as the gentleman himself does, I reckon?—A. I don't know any more.

Q. His talk about my soaring in the regions of probabilities or possibilities is on a par with just about all the questions which he has asked you, are they not?—A. You have got me now.

Mr. DONOVAN. Mr. Pollard will please excuse me? (Whereupon Mr. Donovan withdraws from the room.)

By Mr. POLLARD:

Q. You are prepared to answer all reasonable and respectful questions that are put to you?—A. Yes, sir.

Q. And you have stated here in your testimony substantially what occurred there on that day, as far as you know?—A. Yes, sir.

153 Q. And you, unlike some witnesses here, don't pretend to know everything that passed on that day at that poll, but did all that the law required him to do?—A. I don't know it sir; I believe I did my duty.

Q. Because you don't know anything to the reverse?—A. No, sir.

Q. And you didn't watch any of these men to see?—A. No, sir.

Q. You don't know whether Mr. Ward did his duty there that day or not?—A. No, sir.

Q. You don't know whether any one there except yourself did their duty?—A. No, sir.

Q. Isn't it a matter of fact that if Mr. Ward had attended to the duties which he was sworn to attend to carefully and diligently that he could not have known whether or not every other officer there that day did all that the law required him to do?—A. He could not positively have known.

Mr. DONOVAN (now returning to the room). You have stated in your direct examination and in your cross-examination the facts in this case ?

A. Yes.

Q. You have stated who the officers were at the poll; you have stated your opinion of their integrity; you have stated where each stood; you have stated to us their politics, and their action, and have detailed to us all the facts, and you let them speak for themselves ?—A. Yes, sir.

154 By Mr. POLLARD :

Q. You have stated nothing but the facts ?—A. To the best of my knowledge and belief.

Q. And you didn't attempt to state here whether or not any one else did or did not do his duty, that you saw there ?—A. No, sir.

Q. And you could not see those gentlemen while you were attending to your own duty ?

Mr. DONOVAN. I object to this further investigation. The witness is tired, and being drilled, will answer yes to any question which Mr. Pollard puts to him to get rid of this annoyance.

Mr. POLLARD. I object to that statement of the gentleman, because I have simply exercised the rights of an attorney in this, that when a witness is on the stand and has passed an examination, and has been cross-examined, and then again re-examined about new matter, then I claim that the party first cross-examining has the undoubted right to recross-examine him, and to continue to do so as if to an examination-in-chief, be the questions few or many.

Signature waived.

155 MARCUS JULIAN, being produced, sworn, and examined on the part of the contestee, testified as follows :

By Mr. DONOVAN :

Question. What is your full name ?—Answer. Marcus Julian.

Q. You live in the city of Saint Louis ?—A. Yes, sir.

Q. How long have you lived in this city ?—A. About eighteen years.

Q. Were you an officer at poll No. 40, located on Fifth and Carr, or near Carr street, on the election held there on the 2d day of November last ?—A. I was; yes, sir.

Q. What position did you occupy at that poll ?—A. Registrar; special registrar.

Q. You remained there during that day ?—A. I did, sir.

Q. Who were the other officers at the poll ?—A. There was Mr. Irish, Mr. Coyne, Mr. Ward, Mr. Miller, Mr. Gruenewald.

Q. What were the politics of Mr. Miller and Mr. Gruenewald ?—A. I understand that they was Republicans.

Q. Do you know the politics of the other gentlemen ?—A. Well, I can't say that I do; of course, I suppose that they were Democrats.

156 Q. Did you have a peaceable time, or a noisy time at that poll that day ?—A. O, everything went off harmonious; no trouble.

Q. Were there, or were there not, any disagreements among the judges and the clerks, or the other officers ?—A. I don't believe there was any trouble at all between the officers.

Q. Was there anything that seemed to indicate in the slightest degree that there was any unfairness practiced by anybody in the conduct of affairs at that poll ?—A. No, sir.

Q. What was the character of the gentlemen at that poll for honesty, integrity, and intelligence?—A. As far as I know, good.

Q. Was there any intimation, any fact within your knowledge now, that would tend to show that there was any illegal or even unfair act done by any officer at that poll during that day?

(Mr. Pollard, counsel for the contestant, objects to the question because it is leading, and as putting into the mouth of the witness the answers he desires him to make; and I would suggest to the counsel for the contestee that he ask the witness to state what transpired on that day, if he wants to know, in a legal way, if he desires to obtain answers from the witness that will be considered lawful hereafter.)

Mr. DONOVAN. State your observations.

A. There was not.

157 Q. There was not, what?—A. There was not any unfairness, or the slightest disagreement among the officers; there was no unfairness, or anything unfair done that day at that poll.

Q. Where were you located in the polling place?—A. I was sitting at the table.

Q. At the table; who was sitting at the same table with you?—A. Mr. Ward was right opposite Mr. Coyne, and Mr. Coyne was sitting right next to me.

Q. How far were you from Mr. Miller, the receiving judge, who stood at the door?

WITNESS. While I was sitting at the table?

COUNSEL. Yes.

A. Ten or eleven feet, I should judge.

Q. Was he in full view from where you were sitting?—A. Yes, sir; straight from me.

Q. What was done when a party would come to the open panel and desired to register and vote?—A. Well, he was asked what he wanted, they would call me up to the panel, and while standing there Mr. Miller would question him as to his qualifications; whether he was a voter and so on; if he answered satisfactorily we would let him in, and he was registered and sworn in.

Q. Who was standing with you generally when this conversation was going on between you and the party offering to register?—A. Mr. Miller was standing there.

158 Q. How close to you?—A. Right within a foot, or two feet; right at the window, or rather at the door.

Q. If he so desired, could he hear all that was said?—A. Yes, sir.

Q. Would one or two parties come to this open panel, usually?—A. One. Generally one. I never saw but one come at a time.

Q. So if a party came there to register, Mr. Miller was standing right alongside of you, and could listen to all that you would say—could hear all that you said to the party who offered to register?

(Mr. Pollard, counsel for the contestant, objects to the question because it is leading.)

By Mr. DONOVAN:

Q. Did he or did he not stand there and listen?—A. Well, he was there most all the time.

Q. Did he, or did he not offer to you suggestions in regard to the voters?—A. More or less during the day some of the judges would say something, and he would say something.

Q. And while you were conversing with the party desiring to register, would this Republican judge give you advice on the situation, or

make any recommendation?—A. Sometimes. On some occasions he would. I tried to hear him speaking at times. I couldn't hear him all the time what he said.

Q. Was or was not the general form of the question that you
159 put to the party offering to register the same, be he white or black?—A. It was the same, sir.

Q. Did you make any distinctions between a black man and a white man?—A. I did not.

Q. Did you, or did you not refuse men at that poll on that day who were legally qualified to register and to vote the privilege of registering?—A. I did not, sir.

Q. No person whatsoever?—A. No, sir.

Q. No man, white or black?—A. No, sir; no man.

Q. About how many men white and black altogether, all told, do you think that you declined to register on that day, as not having the proper qualifications?—A. Well, there was about twenty; somewhere's in that neighborhood; eighteen or twenty.

Q. Were these white and colored?—A. Yes, sir; white and colored.

Q. Can you give the proportion of white refused, and the proportion of colored refused?—A. Not exactly.

Q. Anywhere about?—A. I can't say; there was white men refused, and colored men refused, also.

160 Q. Was any colored man refused there simply because he was a colored man?—A. He was not, sir.

Q. How did you treat those colored men, politely, or otherwise?—A. As politely as I could; I treated them the same as I did the white men that came in there.

Q. Well, now if it is a fact that a hoard of wharf-rats have sworn that you have abruptly refused to register them on that day, what would be your judgment of that testimony?

Mr. POLLARD. I want to ask whether you noticed any wharf-rats offering to register on that day?

A. I couldn't say.

Mr. DONOVAN. Mr. Kraft, please read my question to the witness. (Question read.)

A. I would say that if they were properly qualified and swore here that they were refused by me, that they swore to what was not so. But I must say I don't know what you mean by wharf-rats.

Q. By wharf-rats I mean these gipsy negroes that live nowhere, and that never lived in the third Congressional district, but were picked up on the wharf and brought up here to swear that they were refused registration at Fifth and Carr streets?—A. Then they swore to what was not so.

161 (Mr. Pollard, counsel for the contestant, objects to the question and states there has not been a witness of the description which the counsel for the contestee says, placed upon the stand by the contestant; and that every witness that the contestant placed upon the stand was a gentleman of truth and veracity and character; and that the counsel for the contestee well knows that fact; that he endeavored for forty days, during the whole of the examination, to break them down, and that after the examination closed he took about twenty days to hunt up and gather together from the slums of the city all sorts of characters in order to break down the testimony of those witnesses; that he knows full well that he has totally failed in his scheme.)

Mr. DONOVAN. The record will show that but one witness has been introduced to that effect, and that witness this morning; and the record

entirely disposes of the gentleman's statement and will hereafter show that the gentlemen who were designed to prove this state of facts have quietly slipped the town at the instigation of somebody to the counsel for the contestee unknown; and the information in regard to these wharf-rats has come to counsel for the contestee since the close of the examination on the part of the contestant.

Cross-examination by Mr. POLLARD:

Q. What is your business, Mr. Julian?—A. Salesman for F. Kuhlman.

102 Q. What business is he in?—A. Dealer in horses and mules, at 1102 North Fifth street.

Q. Where do you reside, Mr. Julian?—A. No. 1312 North Ninth street.

Q. How long have you lived there?—A. About four years.

Q. How long have you been in the business of a salesman in the stables?—A. As salesman only about two months.

Q. What was your business prior to that time?—A. I was keeping books for the gentleman.

Q. What time did you go to the polls on election day?—A. About eight o'clock.

Q. And commenced your duties as registrar about that hour?—A. —Yes, sir.

Q. Then this witness who was on the stand and swore that you didn't come there until ten o'clock swore to what was not the fact?—A. He did, sir.

Q. By whom were you appointed as registrar?—A. I was appointed by Devoy, the Democratic central committeeman. I think he was a Democrat; I couldn't say.

Q. And a member of the Democratic city central committee?—A. Yes, sir.

Q. He sent you there to act as registrar on that day at this election precinct?—A. Yes, sir; he appointed me there; he asked me if I wanted to serve.

Q. You didn't live in that precinct?—A. No, sir.

103 Q. Did you live in the ward in which this precinct is?—A. Yes, sir.

Q. And at his instance you went over there?—A. I was at the polls and he asked me. He spoke to the judges there and asked them if they were satisfied.

Q. Who swore you in?—A. Justice of the Peace Patrick Farrell.

Q. Where did you find him?—A. On the corner of Broadway and Biddle, at his office; or on Fifth and Biddle, I should say.

Q. How long did you stay there that day?—A. I staid there until about a quarter after six.

Q. Who paid you for your services that day?—A. Nobody; I didn't get any.

Q. Didn't Mr. Devoy pay you?—A. No, sir.

Q. You worked *pro bono publico*?—A. I guess so, if that means "for nothing."

Q. How many men did you register there that day?—A. Well, I think there was between twenty-seven and thirty-seven; I don't remember. I think it was either twenty-seven or thirty-seven, or somewhere in between there.

Q. How many of them were colored?—A. I couldn't say that.

Q. There was not more than three or four?—A. I couldn't say; there

may have been five or six or ten for all I know ; there may have been
so many.

164 Q. How many men applied to you for registration that day ?

WITNESS. Altogether ?

COUNSEL. Yes.

A. Well, there must have been something around fifty.

Q. Somewhere from twenty to thirty you think you did not register ?—

A. Something around twenty that didn't register.

Q. How many of them were colored men ?—A. I couldn't say ; may be twelve or thirteen.

Q. Nearly all of them as a matter of fact ?—A. No, sir ; a good many of them were white men that didn't register.

Q. Then your recollection now is that nearly all of those who applied for registration, and who were not registered were colored men ?—

A. No, sir ; I couldn't exactly tell whether there were more negroes applied than there was white men that didn't register.

Q. Why were they not registered ?—A. Because they didn't qualify. Some of them seemed to want to be transferred, and we couldn't transfer them. Some of them came and said they wanted to be registered from a certain number. I would ask them whether they had ever voted before and they would say yes ; I would ask them where from, they would say from the same place. Then I would go over the poll book and the name would not be there. Then I would ask them how long they had lived at such place and they would say eight or nine months or a year. I asked them if they could not get a man to come with

165 them and identify them. When I asked them how long they had lived there they would generally say a year or so, but as they couldn't bring any satisfactory proof that such was the fact, I did not register them.

Q. You didn't know anything about the qualification of these men, except what you learned from the men themselves ?—A. No, sir.

Q. How long did it take you to register a man ?—A. Well, about fifteen or twenty minutes ; may be not so long ; may be ten minutes. I never took any account of the time.

Q. Now, what was your mode of operations in registering a man ?—A. I had a book there of instructions ; I went according to that and asked them questions. I asked them how long they had been living in the city ; if they had ever voted before ; if so, where ; what ward he had been in ; how long he had been in this country ; if he was a citizen ; and such things as that.

Q. Where were those questions asked ?—A. Most of them right at the window, before we registered them.

Q. And if they didn't qualify—A. We didn't register them.

Q. You stood on the inside and those men stood on the outside ?—A. Yes, sir ; there was a panel out of the door ; it was a glass door.

Q. About sixteen inches wide, you say ?—A. Yes ; I should judge sixteen or eighteen or twenty.

Q. You stood there at that panel, at that window and talked to the men who wanted to register ; he was on the outside, and
166 you were on the inside ?—A. Yes, sir.

Q. While you were doing this did you pay especial attention to Mr. Miller to see whether he was doing his duty or not ?—A. I couldn't help but see Mr. Miller ; he was standing alongside of me there, and generally when I was questioning men that way the judges wouldn't do anything ; they would generally come up and listen. I generally called their attention to it, although I wouldn't be governed by their

decision; but I called their attention to it. I merely wanted to show them that I was doing the fair thing.

Q. You were sworn to do that duty yourself?—A. Yes, sir.

Q. And you were not to refer to the judges?—A. No, sir.

Q. You did not ask their advice or counsel in the matter, but relied on your own judgment?—A. No, sir; I relied upon my own judgment.

Q. You are a Democrat?—A. Yes, sir.

Q. How did the white men who came there and were registered by you identify themselves?—A. They were identified by citizens in that ward and that was acquainted with somebody there; some respectable citizen.

Q. You registered no one individual on his own statement?—A. No, sir; I registered nobody on his own statement; I registered no one except those that were brought in by somebody.

Q. Then you took that other individual statement?—A. Yes, sir.

Q. Did you see Mr. Haggerty there that day?—A. I did.

Q. What was he doing there?—A. He was outside, talking around.

Q. He didn't challenge any voter there?—A. I believe he did challenge one or two; I don't know.

Q. Didn't he, as a matter of fact, identify several of these white men who were registered there that day?—A. Not one, sir, that I could see; not one did Mr. Haggerty identify.

Q. He was perfectly quiet outside?—A. He was talking outside; I believe he did have some disturbance out there one time, and he was ordered away; one of the judges spoke to the policeman and told him to have him go away.

Q. And he kept away after that?—A. He didn't come up to the window like he had before.

Q. Still he stood around the polls?—A. He may have.

Q. In fact, he was assuming considerable control outside for a time?—A. He was talking there I know.

Q. And making considerable noise?—A. Well, at one time he was; I know that, but I don't know what the subject was.

168 Q. Do you know why it was that Mr. Devoy took so much interest in precinct No. 40 as to go outside of precinct 40 to get a man to act as registrar who did not live in that precinct?—A. I do not.

Q. Does Mr. Devoy live in that precinct?—A. I don't know where he is living at.

Q. Didn't you apply to him for compensation for your services?—A. I did not, sir.

Q. To whom did you apply?—A. To nobody; when I turned in the sheet up there I asked for the pay, and they said there was no appropriation for that purpose, and that was all.

By Mr. DONOVAN:

Q. Did you register all those that you let inside of the polling place?—A. I believe I did.

Q. So after your conversation at the door if they seemed to be qualified you then took them in to the table and registered them?—A. Yes, sir; swore them.

Q. Have you any recollection of refusing a single man that you took inside of the poll to that table?—A. No, sir; I have not; though I might have refused some one.

Q. That would be only one or two?—A That is all; one or two.
Signature waived.

169 MICHAEL C. IRISH, produced, sworn, and examined on the part of the contestee, testified as follows:

By Mr. DONOVAN:

Question. Your full name, Mr. Irish?—Answer. Michael C. Irish.

Q. Where do you live?—A. I live in this city.

Q. What is your business?—A. I keep the Western Hotel on the corner of Carr and Broadway.

Q. That is an old established hotel in this city?—A. Yes, sir; I have been there sixteen years.

Q. Were you an officer at poll No. 40 on the second day of last November?—A. I was United States supervisor.

Q. By whom were you appointed?—A. I haven't any idea. I received notice here from the United States marshal to go down there and get a commission, and I got it. I haven't any idea by whom I was appointed; I was never consulted, and knew nothing about it until I saw my name published in the paper.

Q. Did you serve?—A. I did.

Q. Who were the officers at the poll?—A. Coyne, Ward, Gruene-wald, Miller, with Mr. Julian as registrar.

170 Q. Do you know the politics of these gentlemen?—A. I do not; nothing more than their talking.

Q. Did you remain there all during the day?—A. All but twenty minutes when I went to dinner; during that time there was only three votes cast.

Q. Did you have printed instructions given to you?—A. I did.

Q. Who were those printed instructions received from?—A. From the chief supervisor—Allen.

Q. Edmund T. Allen, the chief supervisor?—A. Yes, sir.

Q. He was appointed by Judge Treat of the United States district court for the eastern district of Missouri?—A. Yes, sir.

Q. You read those instructions?—A. I did.

Q. Did you or did you not follow them?—A. As close as I knew how.

Q. Did you or did you not make a report to the chief supervisor of the manner in which the election was conducted at that poll?—A. Yes, sir.

Q. Did you have any infractions of law to report?—A. None whatever. I returned him five or six votes, I am not positive which, that were received there under protest. They were inclosed in an envelope and sent to the city register's office; I also returned him his book made up in form.

171 Q. Did you send them to the city register's office or to the chief supervisor's office?—A. They were sent with the other ballots.

Q. How did the officers at that poll conduct themselves in the discharge of their duties as officers of election?—A. Everything was very harmonious there. We had no trouble whatever all during the day; not a particle. There was no disagreements that I am aware of.

Q. Did you note any disposition on the part of any officer at that poll on that day to prevent any man from casting a ballot which he was entitled to cast?

(Mr. Pollard, counsel for the contestant, objects to the question as leading; let him ask the witness to state what he saw and what he noted.)

Mr. DONOVAN. Well, if that accommodates the gentleman better, why just please state all that you know with regard to the conduct of affairs at that poll on that day.

A. I said before that everything was quiet and harmonious, and any person who came there and was vouched for as being entitled to vote, they certainly had the privilege to do so there. Mr. Miller came to me in the morning and introduced a dorky that keeps a boarding-house at 1018 North Seventh street—his name is Williams—and said he would vouch for him as all right, and any person whom he vouched for would be correct; that is the Republican judge. This man Williams brought

172 five or six colored men there from 1018 North Seventh street, and they were allowed to register and cast their votes. Among them was a young man named Aleck Williams, who had worked for me about four years, and was now boarding at this man Williams's house. He registered and voted at the polls. In the afternoon, I suppose it was about half past one or two o'clock, or somewhere along there. Williams came up with three men, and this other Williams who had worked for me called me to one side and said those men didn't live there with Williams. I requested Williams to stand to one side, and I asked one of these men how long he had been in the city; he told me six months; I asked him where he lived, and he said he lived with Mr. Reeves. None of those men that came there that time had been in the city a year; some had only been here a month or two. I refused to take Williams's word after that—this was in the afternoon—because he would come there and register men that were not entitled to register or to vote.

Q. Where they themselves said that they had resided in the city but four or six months?—A. Yes, sir.

Q. Was there any man that came there that day, black or white, who produced satisfactory evidence that he had been in the city long enough, refused the privilege to register and vote?—A. None.

Q. Did you notice any bias or prejudice on the part of any judge or other officer at that poll towards any voter, white or black?—A. I did not.

173 Q. And it was your business to supervise that election?—A. Yes, sir; a general supervision over all of it.

Cross-examination by Mr. POLLARD:

Q. These three colored men that you speak of were not permitted to register, and did not register?—A. No, sir.

Q. And didn't vote?—A. No, sir.

Q. All that you know about their qualifications is what you learned from them there?—A. That is all I know.

Q. You didn't know them personally?—A. I did not.

Q. You didn't know whether they were living in the city ten years?—A. No, sir.

Q. Only just as they stated?—A. That is all.

Q. Were they sworn in their statements?—A. No, sir.

Q. Just their oral statements without making any affidavit; yet you instructed the registrar not to register them?—A. Yes, sir.

174 Q. And after that you refused to permit any more to be registered who came with Mr. Williams?—A. Yes, sir; I required them to get some better and more satisfactory evidence than Williams could produce. I asked one or two of them if they knew the police captain up there; if they couldn't get a note from him. This was Captain Huebler. One of these colored men went, but he never came back. However, Mr. Williams didn't make many more attempts.

Q. The men that he brought after that whether they were qualified or not, you didn't know? At any rate you refused to permit the registrar to register them?—A. He only made one attempt; the colored man that was acting as marshal there told him if he would come around there any more he would arrest him; if he would come around there and swear for men who were not living there long enough. I don't know who that colored man was. You can easily find out his name by referring to the appointments.

Q. You never have seen him before?—A. No, sir. He was very quiet; stood there all day; never had a particle of trouble with anybody.

Q. He interfered with nobody?—A. No, sir; he interfered with nobody.

Q. And had nothing to say?—A. He had nothing to say, with that single exception.

Q. Now, you are a Democrat, Mr. Irish?—A. I am.

Q. Who recommended you to the marshal for appointment you don't know?—A. That I haven't the slightest idea of; I take no part
175 whatever in politics.

Q. Don't you know, as a matter of fact, that the recommendations were made by the Democratic central committee?—A. I presume it was; but I don't know.

Q. There was no other supervisor there but yourself?—A. John C. Bensieck was appointed; he came there in the morning; he and I are personal friends; he said it would not be necessary for him to stay there, and he would leave the matter in my hands, and so left me there. I was the only supervisor there the whole day, sir.

Q. Do you know how many men were registered there that day?—A. My impression is that there was somewhere in the neighborhood of forty (40). There was quite that number came there that lived on the west side of Seventh street that were not in that precinct, that ought not to register there; it was very hard to convince them that they were not entitled to register and vote there; of course we couldn't hear their statements. Some of them would come there and offer to vote that ought to vote at Fourth and Morgan; and, of course, we told them that they couldn't vote at our precinct.

Q. About how many did come there who offered to register there that were not registered?—A. Oh, I presume there was some fifteen or twenty; I, of course, didn't take any particular note of them at that time.

Q. Most of them were colored men?—A. Yes, sir; I think the majority were colored men.

Q. And from various causes they were not permitted to register?
176 ter?—A. Yes, sir.

By Mr. DONOVAN:

Q. Mr. Bensieck is a prominent Republican manager, is he not?—A. I believe he is.

Q. And one of the strenuous supporters of Mr. Sessinghaus?—A. That I don't know anything about. I know he was hustling around with Judy.

Q. Judy and Bensieck are the right-bowers of Mr. Sessinghaus, are they not?—A. Yes, sir.

Q. Mr. Bensieck had such confidence in your integrity that he left you to supervise that poll?—A. He said so that morning; that he was satisfied.

Q. Do I understand you to say that the United States marshal at the poll was a colored man?—A. He was.

By Mr. POLLARD:

Q. This confidence between you and Mr. Bensieck was reciprocal, was it not?—A. Yes, sir.

Q. Do you know a man named George W. Simpson, jr.?—A. I do, sir.

Q. Do you know a man named A. Stewart?—A. Yes, sir.

Q. Do you know a man named G. G. Krause?—A. Yes, sir.

177 Q. Do you know a man named H. P. Brady?—A. Yes, sir.

Q. Do you know a man named J. G. Cunningham?—A. Yes, sir; they are all at the Western Hotel.

Q. Do you know a man named John Sexton?—A. Yes, sir.

Q. Do you know a man named G. W. Simpson?—A. Yes, sir; he is the father of the young one.

Q. Do you know John Callahan?—A. Yes, sir.

Q. Do you know a man named Jacob M. Strauss?—A. Yes, sir.

Q. And John T. McManus?—A. Yes, sir.

Q. Edward McCarthy?—A. Yes, sir.

Q. Do you know a man named Peter Roderick?—A. He is a Portuguese; he is porter at my hotel.

Q. Do you know Thomas Seebold?—A. That is my clerk.

Q. Are these men employed in your hotel?—A. No, sir; only the two last; but every one was there at that time, and are living there now.

Q. How long have they been living there?—A. Well, they are varying from two to ten or twelve years; Stewart has been there twenty-one years.

Q. With you?—A. I have only been there sixteen years; he
178 got there before I got there—five years. He has been boarding there since 1860.

Q. Where were you before you went there?—A. I was in the United States Army, sir.

Q. How many colored men registered in that precinct on that day?—A. I couldn't tell you, sir.

Q. You don't know?—A. No, sir.

Q. Do you know a man named Haggerty?—A. I do. I saw him and insisted that he should leave the door, and saw that he done so; he kept away from there after I insisted on him being away; he was noisy and I thought he was interfering in a manner that I thought he had no right.

Q. He didn't challenge any voters there that day?—A. He challenged two or three, and I believe justly; not a colored man in every instance; there was white men the same; there was two or three colored men, and one or two whites.

Q. And none of them were permitted to register and vote?—A. Yes, sir; I permitted a couple of colored men; they were vouched for by this Aleck Williams. I don't remember what action was taken on those. I never expected to be on the witness-stand in relation to what was going on on election day.

Q. How many boarders have you in your house?—A. I run from seventy-five to one hundred and twenty-five; I have now about seventy
there.

179 Q. All of them qualified voters?—A. I guess there is thirty to forty there that are qualified voters; that have been there for

four or five years. These men that I have spoken of were registered that day, and can be produced here to-morrow if you require them.

Q. This man had been living in that house for twenty-one years?—

A. Archie Stewart; yes, sir.

Q. Never had voted before?—A. Yes, sir; he really did vote, and had registered before; he was on the list; I remember when looking over the list his name was on the list, on the registration list.

Q. Was he registered there again that day?—A. He was.

Q. Was George W. Simpson, jr., registered there that day?—A. Yes.

Q. Had he ever voted before?—A. No, sir; he never was of age before that day.

Q. Did this man Krausse—A. Yes, sir; he voted there that day.

Q. He was registered there that day?—A. Yes, sir; he had been there about two months with me.

Q. And this man C. P. Brady?—A. H. P. it ought to be.

Q. H. P. it is?—A. He had been there about four years.

180 Q. Had he ever voted before?—A. I don't think he was here long enough to vote before that time.

Q. How long has John Sexton lived in the city?—A. He was born here, sir.

Q. Had he ever registered, to your knowledge?—A. No, sir; not before to my knowledge.

Q. How old was he?—A. Twenty-four (24).

Q. And some of these men that registered there on that last election day had registered before, had they not?—A. Yes, sir; I think so.

Signature waived.

Not being able to complete the taking of the depositions, I do now adjourn the further taking of the same until to-morrow, Friday, March 25, 1881, then to be continued at the same place, at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 36.

Pursuant to adjournment, as above stated, on the the 25th day of March, 1881, at the hour of ten o'clock in the forenoon, I continued the taking of these depositions as follows:

1 HENRY J. REBESBERGER, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Please give the notary your full name?—Answer. Henry J. Rebesberger.

Q. How long have you lived in the city of Saint Louis?—A. I have been living here for the last three years.

Q. Where were you living on last election day?—A. I was living at 1410 Angelica street.

Q. How long have you been living there?—A. I have been living there, let me see, I moved there in March; it will be a year ago the fifteenth of this month that I moved there.

Q. How old are you?—A. Twenty-three years old.

Q. Where were you born?—A. I was born in New York City.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. They was on Bremen avenue, between Fourteenth and Fifteenth streets.

Q. Did you offer your ballot?—A. Yes, sir.

2 Q. What was said to you?—A. The books was looked over, and my name couldn't be found in the book at all; so they took the vote and hung it on a slip, and said they would look over the books down at the register's office, and if my name could be found there, they would put my ticket in the ballot-box. I had never voted before; this was my first vote.

Q. Did you offer to register there?—A. Yes, sir.

Q. Do you know anything about how your name came to be scratched off the books?—A. No, sir; I wrote myself in the books, and they also approved me, and say it was all correct.

Q. Before you left the register's office you saw that your name was correct on the registration sheets at the city hall?—A. Yes, sir.

Q. Just shortly before the election?—A. Yes, sir.

Q. Now, what are you in politics, a Democrat or a Republican?—A. Well, that I couldn't say.

Q. What ticket did you offer at the poll?—A. Democratic, straight, sir.

Q. Frost for Congress?—A. Yes, sir.

Cross-examination by Mr. POLLARD:

3 Q. But whether you are a Democrat or a Republican you don't know, you say?—A. No, sir.

Q. Why did you not register?—A. Where; at the polls?

COUNSEL. Yes, sir.

A. Well, I suppose they refused; I don't know whether they would or not register me according to the statement. But I went down here to the register's office, and took a witness with me.

Q. You did register at the city hall?—A. Yes, sir.

Q. And when you went to the polls the judges told you that your

name was scratched off?—A. It was not in the books; they could not find it.

Q. How long before the election did you register at the city hall?—A. It was close on towards the last day that the register's office was open; I believe the third day from the last that the register's office was open; I couldn't tell you the exact time; somewhere in that neighborhood though.

By Mr. DONOVAN:

Q. It was not put into the box—your ticket?—A. No, sir.

By Mr. POLLARD:

Q. But still you voted the Democratic ticket, you say?—A. Yes, sir; I voted the Democratic ticket.

4 Q. Then you are a Democrat in politics, are you not?—A. I vote for the man I think is best; I aint particular about it.

Q. But you voted the straight Democratic ticket?—A. I voted the straight Democratic ticket.

Q. From top to bottom?—A. Yes, sir.

Q. And Mr. Frost's name was on it?—A. Yes, sir.

Q. How do you know that?—A. Because I read it.

Q. Mr. Hancock's name was on the top of it?—A. Yes, sir; I believe it was.

Q. It was on the ticket for governor of the State?—A. That I couldn't tell you, of course; I didn't stop to think them over.

Q. How did it happen that your name was not on the registration list when you went to this poll?—A. That is a question I couldn't tell you about; it aint my neglect; it is their neglect in the office, I suppose.

Q. Which side of Angelica street do you live on?—A. On the south side.

Q. Where did you go when you went to the city hall to register?—A. Corner of Chestnut and Tenth streets, I believe; or somewhere in that neighborhood, anyhow.

5 Q. You went there, you say, about three days before the closing of the registration office?—A. Yes, sir; about three days before the closing of the registration office.

Q. Were there any other people there besides yourself when you went there to get registered?—A. Oh, yes; it was full; I lost half a day in that place.

Q. Now, what did you do when you went there to get registered?—A. I registered my name, and where I lived, and all those questions, of course, which they have been asking me.

Q. What did you register your name on, or in?—A. In a book.

Q. And that is all that you did there?—A. Yes, sir; that is all.

Q. You didn't swear to anything there?—A. Yes, sir; I swore.

Q. What did you swear?—A. I swore to the question that I would support the Constitution of the United States, and that I was of age.

Q. You live, you say, three years in this city?—A. Yes, sir.

Q. And you are 23 years old?—A. Yes, sir.

Q. When were you 23?—A. On the 2d day of February of this year.

Q. And had you ever voted before this last November election?—A. No, sir; never had voted before.

6 Q. And you went to the polls, and you say you offered to register there?—A. Yes, sir; I offered to register; that is, not offer to register; I gave them my vote and they looked over the books and could not find my name in them.

Q. Then you did not offer to register at the polls?—A. No, sir; because I didn't think it was necessary, being as I didn't know nobody around there; I never did make myself acquainted much in the neighborhood; I had my business down town.

Q. When Mr. Donovan asked you if you didn't offer to register there you said yes; then, now, you mean to say that you did not offer to register at the polls, as I understand you to say?—A. The way it was I walked up to the polls, handed in my vote, and my name, and they looked for it through the books, and then they said my name was not there.

Q. And you went away?—A. Then they took my vote, wrote my name on it, and said they would look at the books down at the city hall, and then if it would be found there they would give it in the box. More I do not know.

Q. Well, you did not offer to register there?—A. No, sir.

Q. Whereabouts were these polls that you went to?—A. On Bremen avenue, between Fourteenth and Fifteenth streets.

Q. On which side of Bremen avenue?—A. On the south side.

Q. On the south side of Bremen avenue, between Fourteenth and Fifteenth streets?—A. Yes, sir.

Q. What place were those polls in?—A. They were in a sort of a house there—funny built; sort of a shanty; kind of delicate looking; it was formerly a hall, or something of that kind.

Q. Did you know the judges or any of them?—A. No, sir; I was not acquainted with any of them.

Q. And nobody there knew you?—A. No, sir.

Q. What did you give them your name there? Didn't you, as a matter of fact, give your name as Rebenberger?—A. No, sir; as Rebenberger; it was written correctly on the ticket when I handed in the ticket; but he rubbed it off and wrote it expressly over again so there would be no mistake.

Q. And if there is a vote there with the name Rebenberger on it that is not your vote?—A. No, sir; that is not mine.

By Mr. DONOVAN:

Q. You are the only man of that name in that locality?—A. Yes, sir; the only man in Saint Louis of that name, that I know of.

Signature waived.

8 MORRIS DOREN, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name?—Answer. Morris Doren.

Q. Where did you live on election day?—A. On the corner of Thirteenth and Newhouse avenue.

Q. Did you go to the polls on election day?—A. I did, sir.

Q. Where were those polls?—A. They were on Bremen avenue, between Fourteenth and Fifteenth streets.

Q. How near to your residence?—A. Let me see; about three or four blocks off, I think.

Q. Had you ever been registered?—A. Yes, sir.

Q. Did you offer your ballot at the polling place?—A. Yes, sir; I did.

Q. Was it received by the judges?—A. It was received by the man on the box.

Q. What did he do with it?—A. He held it in his hand until he looked over the book and then said my name was not on the book.

9 Q. Then, what did he do with the ballot?—A. He wanted me to give my name and my residence; where I lived at, and he wrote it on the back of the ticket; he told me he would look over the books, and if my name was on the books, he will put my ticket in the box. So I told him I would not leave my ticket there; that I would go to the city hall and see about it. On my way I destroyed that ticket. I went down to the city hall and staid there pretty near half a day before I could get in. I had given my name before that to a man that promised faithfully that he would have my name transferred. I never bothered my head about it until then. So, when I got to the city hall on this day, I went to the man what has got the books, and he looked over the books and he said that my name was not transferred at all, nor I couldn't get it transferred on that day, he said. So I went back to the polls again in the evening and told the judge at the ticket-box, and asked him if it would do any good to go to the other place and get a note from there; he said no. But he would take my vote and look over the registry book and if my name was all right he would put the ticket in the box. I left the ticket on the table and walked away. It was a Democratic ticket, with Frost for Congress.

Cross-examination by Mr. POLLARD:

Q. You never had been transferred at all?—A. No, sir; it was a mistake of the man that promised me he would have my name transferred. Signature waived.

10 DAVID GOSS, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Give the notary your full name?—Answer. David Goss.

Q. Where did you reside on election day?—A. On Saint Louis avenue, 2809.

Q. How long had you resided there?—A. About two months to the best of my recollection.

Q. Did you ever vote at any election in the city of Saint Louis, Mr. Goss?—A. No, sir.

Q. Were you ever registered?—A. No, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. On Saint Louis avenue, the north side of the street. Well, about two blocks from where I live. On Bremen avenue; that runs through there.

Q. Then you went there to cast your first vote?—A. I was twenty-two last eighteenth of December.

Q. Where were you born?—A. I was born in Saint Louis.

11 Q. You went to the polls to register and vote?—A. Yes, sir.

Q. Did you register and vote?—A. I voted, but I didn't register.

Q. Why did you not register?—A. Because the judge told me that the notary was not there; and for me to vote and sign my name and address on it, and it would go just the same, and would be counted.

Q. What did he do with the ballot; just put it in the box or laid it on the table?—A. I rather believe he laid it on the table. I aint certain.

Q. Did he inform you that there was no registrar there?—A. Yes, sir.

Q. What hour in the day was that?—A. It was in the morning; I suppose about eight or nine o'clock.

Q. Had a registrar been there up to that hour?—A. No, sir.

Q. Did you visit the poll again during the day?—A. Well, yes, I think I did. I don't think he had been there at all all day.

Q. You do not know, then, what was done with your ballot?—A. No, sir; I don't.

Q. What sort of a ballot was it?—A. It was a straight Democratic ticket.

Q. Frost for Congress?—A. Yes, sir.

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Cross-examination by Mr. POLLARD:

Q. What time did you go to 2809 Saint Louis avenue?—A. I have been living there about two months.

Q. Now?—A. O, no; before I voted. I mean on election day.

Q. You don't remember the date?—A. No, sir.

Q. Did't you move there on the eighteenth day of last October?—A. Well, I couldn't say whether I did or not; but I think the best of my recollection is, that I was living there about two months.

Q. Where did you live before you went there?—A. Back of the fair grounds, on Mory street.

Q. In the city?—A. Yes, sir; I believe it is.

Q. You don't know whether it is in the city or not?—A. I am almost certain it is; it is about three blocks back of the fair grounds, northwards.

Q. What year were you born in, Mr. Goss?—A. I think it was 1859.

Q. December?—A. Yes, sir.

Q. Mr. Goss, why didn't you go to the city hall and register?—A. Well, because at the time I didn't take that much interest in the election; that is the reason.

Q. But you went down to the polls and offered to vote there?
13 —A. Yes, sir.

Q. And they took your vote, but whether they put it in the box you don't know?—A. I can't say, but rather I think they didn't; because the judge told me it would be all right.

Q. That it would be all right?—A. That it would be all right for me to do just as the judge told me, and I did so.

Q. Then, if it would be all right you supposed that it went into the box; they did put other votes in the box?—A. Yes, sir; he put other votes in the box, but whether he put this in I couldn't tell; I rather think he left it out.

Q. Simply because he said it would be all right?—A. It seems to me that all parties had done that same way; there was objections in regard to this notary not being there, and I think he put all those here on the table.

Mr. DONOVAN:

Q. You mean the registrar?—A. Registrar, yes, sir; if he put this of mine in the box, I didn't see him do it.

Mr. POLLARD:

Q. But as soon as you voted, you turned and went away?—A. Yes, sir.

Q. At once?—A. Yes, sir.

Q. I wish you would think a moment as to when you moved to 2809 Saint Louis avenue; was it not the eighteenth or nineteenth day
14 of October?—A. Really I couldn't say, whether it was or not.

Q. You won't say it was not that time?—A. I can't say whether it was that day or not.

Q. But you moved from some distance, from a mile to two miles from where you formerly lived ?—A. Yes, sir; a mile and a half I should judge.

Q. Not in the same ward ?—A. No, sir; I guess not.

Q. Do you know Fenton Goss, jr. ?—A. Yes, sir; he is a brother of mine.

Q. He lives at 2809 Saint Louis avenue ?—A. Yes, sir.

Q. He moved to that place the same time you did ?—A. Yes, sir.

Q. Had you lived together before you moved there ?—A. Yes, sir.

Q. Did your brother live on North Market street, before you went there ?—A. Well, both of us did a good while before that; that is, we boarded with a brother-in-law of ours.

Q. What is your business, Mr. Goss ?—A. Bricklaying.

Q. You have been at that business out of town some of the time, have you not ?—A. Yes, sir; we went up to Kansas City; we was up there ten months; ever since that, we have been in business here.

15 Q. When were you up there ?—A. We was up there about August; we went there and staid up there until the January; not last August—a year ago last August.

Q. And when you came back, you went to this place northwest of the fair grounds ?—A. Yes, sir.

Q. And before which time you had been living on North Market street ?—A. No, I lived before that at the fair grounds—before I started up there; I suppose may be five or six months before that I lived down on North Market street; I boarded down there.

Q. You are not a married man ?—A. No, sir.

Q. Then, you went to Kansas City, and remained there some eight or nine months ?—A. Yes, sir; I went to Kansas City and remained there some eight or nine months; yes, sir.

Q. And while you were there, you lived there of course ?—A. Yes, sir.

By Mr. DONOVAN:

Q. Can you fix the date at which you moved to 2809 Saint Louis avenue ?—A. Well, yes; I guess I can.

Q. About how long previous to the election was it ?

WITNESS. When I moved there ?

COUNSEL. Yes.

A. As I said before, about two months.

By Mr. POLLARD:

16 Q. But at the same time you are not positive whether it was the 18th or 19th day of October ?—A. No, sir.

By Mr. DONOVAN:

Q. The difference between September and October is only one month; do you mean it was October or September ?—A. September, I guess. I know I had been living there about seven or eight weeks.

Q. Before the election ?—A. Yes, sir.

By Mr. POLLARD:

Q. You are not prepared to swear when you did go there; as a matter of fact, you can't tell, and you haven't any date by which you can fix the date, have you ?—A. No, sir; I have not.

Signature waived.

SAMUEL T. HALLEY, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name?—Answer. Samuel T. Halley.

Q. Where did you live on election day?—A. I live on Fourteenth street.

17 Q. What number?—A. There is no number to the house; it is the corner of Fourteenth and Bremen avenue.

Q. How long had you been living there?—A. I was residing at the O'Fallon Park; I left there either September or October; I couldn't tell which; the 14th of September or October. I can't tell which exactly.

Q. How long were you living at Fourteenth and Bremen avenue previous to the election?—A. Well, I stated before that I couldn't tell exactly. I left there in September or October.

Q. Do you mean that you left there or moved to that place?—A. Yes, sir.

Q. Which was it?—A. Fourteenth and Bremen.

Q. Do mean that you left that place, or that you moved there?—A. I left O'Fallon Park and moved to Fourteenth and Bremen avenue.

Q. Were you ever registered, Mr. Halley?—A. Yes, sir; several times.

Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. They were between Fourteenth and Fifteenth, on Bremen avenue.

Q. How far from your residence?—A. It was about a block; not quite a block, either.

18 Q. Did you offer to vote there?—A. Yes, sir.

Q. Did you vote there?—A. They took my ticket.

Q. What did they say about your ticket?—A. They said they couldn't find my name on the registration list.

Q. Why did not your name appear on the registration list?—A. I couldn't tell you.

Q. Did you receive a transfer to this place?—A. I suppose so; I have got it in my pocket. Sixteenth ward and 168th district.

Q. When did you obtain your transfer to Fourteenth and Bremen avenue?—A. I can't tell the exact date when it was.

Q. About how long previous to the election?—A. It was about a week, I think; I am not positive.

Q. Some days before the registration office closed for that purpose?—A. Yes, sir.

Q. Who was it gave you this transfer paper?—A. Billy Brotherton; I don't know whether he was a clerk or not.

Q. Who was this transfer paper signed by?—A. Charles G. Gonter. He is the recorder of voters.

Q. Do you know why your name did not appear upon the registration sheet if you were duly transferred to Fourteenth and Bremen avenue?—A. I do not.

19 Q. Well, what was done with your ballot?—A. I couldn't tell. They wrote my name on the back of it.

Q. What did they say they would do with it?—A. I didn't hear them say what. There was a crowd there, and I left. I was very busy that day and I had to leave.

Q. They told you that your name had been erased from the list?—A. Yes, sir; they said it was not on the registration list.

Q. Did they treat this ballot like the rest of them, or did they lay it on the table?—A. They didn't put it in the box; I know that.

Q. Who was the ballot for for Congress?—A. It was for Frost.

Q. You are a Democrat?—A. You bet.

Cross-examination by Mr. POLLARD :

Q. Mr. Halley, where did you live before you went to Fourteenth and Bremen avenue?—A. I lived out on O'Fallon Park, sir.

Q. That is not in the same precinct or in the same ward?—A. I suppose not.

Q. And you moved down there, you say, to Fourteenth and Bremen avenue, about the 14th of October?—A. Yes, sir; I can't tell exactly.

20 Q. Which was some two or three weeks before the election?—

A. Yes, sir.

Q. And after you moved there did you get this transfer, or did you get it before?—A. No, sir; I got it since I have been living there.

Q. Are you still living there?—A. Yes, sir.

Q. Where did you get that transfer?—A. I got it from Brotherton—William Brotherton.

Q. What was his business?—A. He was a clerk for Hall, Steele & Co., Union Stock Yards.

Q. When did he hand it to you?—A. I don't know.

Q. Where were you when he handed it to you?—A. I was in the Union Stock Yards.

Q. He handed it to you in the Union Stock Yards?—A. Yes, sir.

Q. You didn't go to the city hall to get it?—A. No, sir.

Q. Your name is not on that transfer?—A. Yes, sir; it is on the back of it, but it has got old; I kept it in my pocket a good long while.

Q. Who put your name on the back of it?—A. Mr. Brotherton, I suppose; that was on there when I received it.

Q. And that transfer ticket is all in print, is it not, except the
21 figures 16 and 168?—A. Supposed to be; yes, sir.

Q. That is a fact?—A. Yes, sir.

Q. Your name doesn't appear on the front of it at all, or your residence?—A. No, sir.

Q. Just your name and residence on the back of it in pencil by Mr. Brotherton, who was a clerk with Hall, Steele & Co.?—A. Yes, sir.

Q. He was a clerk, then, in the Union Stock Yards?—A. Yes, sir.

By Mr. DONOVAN :

Q. That transfer ticket, so far as you know, is the usual transfer ticket given out by Recorder Gonter?—A. Yes, sir.

Signature waived.

HENRY GIBBONS, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN :

Question. Your full name, please?—Answer. Henry Gibbons.

Q. Where did you live on election day?—A. Fourteenth and Ferry.

Q. How long had you been living there?—A. About a year
22 and three or four months; something like that.

Q. Had you ever registered in the city of Saint Louis?—A. Yes, sir; three times.

Q. And voted?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir; I went just after I got through with my work, about six o'clock.

Q. Where were those polls?—A. Fifteenth and Bremen avenue.

Q. How far from your residence?—A. One block.

Q. Did you present your ticket?—A. I was not transferred; I had

moved, and had not transferred when I went there; I had been told that I could transfer at the polls, so I went there and got transferred, and give in my ticket.

Q. Did you put your name on the back of the ticket?—A. They put the name on the back of it.

Q. And gave it to the supervisor?—A. Yes, sir.

Q. Who did you vote for for Congress?—A. I voted for Frost, by George; he was my man; I voted the Democratic ticket through and through.

Q. But instead of putting it in the box they gave it to the chief supervisor?—A. I gave it to the judge, and he wrote my name on it; what he done with it I don't know.

Q. Your name was not on the registration list?—A. Yes, sir; my name was on the list.

Q. On the stikken list? You had registered, but then your name did not appear on the regular voting sheet there, did it?—A. I didn't see that; I didn't take any notice of that; I have been registered three times.

Q. Your name was on the list at the city hall, but not on the list at the poll?—A. No; I don't know anything about that.

Q. The judges informed you that it was not?—A. No; they did not.

Q. When you gave your name did they look down a list for your name?—A. Yes, sir.

Q. Did they find your name there?—A. I don't know whether they found it or not; he looked at the paper; he had a big paper; it was about that wide (indicating); he looked at it; it had 49 on it, or something like that; I don't know; and there was my name on it; he says that is all right; then I tried to have my number transferred, and he said it was all right.

Cross-examination by Mr. POLLARD:

Q. You had not transferred before that day?—A. No, sir.

By Mr. DONOVAN:

24 Q. Did you see the judge put your ballot in the box?—A. No, sir; I did not.

Q. As a matter of fact, your ballot is now in the hands of the supervisor here on Olive street?—A. Yes, sir.

By Mr. POLLARD:

Q. Do you know whether your ballot is in the hands of the supervisor?—A. Yes, sir.

Q. Did you ever see it there in the hands of the supervisor on Olive street?—A. No, sir.

Q. All you know about it then is what Mr. Donovan has said here?—A. Yes, sir.

Q. And you went away from there supposing that your ballot was put into the box and counted?—A. Of course.

Q. And you know nothing about it now to the contrary?—A. Yes, sir.

By Mr. DONOVAN:

Q. But if the clerk of the supervisor who has your ballot in his hands, testified that he has that particular ballot in his possession, you would presume that he swore to the truth?—A. I presume so; yes, sir.

By Mr. POLLARD:

Q. You didn't hear him swear?—A. No, sir.

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SESSINGHAUS VS. FROST.

25 Q. You went there and found your name on the list and you voted
and went away supposing it was all right, and still believed it
to be so until this day ?—A. Yes, sir; I believe it is so yet to this day.
Signature waived.

Not being able to complete the taking of these depositions, I do now
adjourn the further taking of the same until to-morrow, Saturday, March
26, 1881, then to be continued at the same place, at the hour of ten
o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 37.

ursuant to adjournment as above stated, on the 26th day of March, 1, at the hour of ten o'clock in the forenoon, I continued the taking of these depositions, as follows :

ELI SLAY, was then produced, sworn, and examined on the part of the contestee, and on his oath deposes and says as follows, wit :

By Mr. DONOVAN :

Question. What is your full name ?—Answer. Eli Slay.

Q. Where do you live ?—A. I live on Jefferson avenue and Montgomery streets ; there is no number to the house where I am boarding.

Q. How long have you been living in the city of Saint Louis ?—A. About thirty-four years.

Q. How old are you ?—A. I am thirty-four or thirty-five, the 22d of next month.

Q. You were born here ?—A. Yes, sir.

Q. Have you ever voted at any election in the city of Saint Louis ?—Yes, sir.

Q. How often have you voted in Saint Louis ; for how many years ?—A. Twice.

Q. Where were you living on election day ?—A. I was living on Jefferson avenue above Saint Louis avenue ; I forget the name of the street ; right opposite Budenberg's Furniture Factory. 2807 I think that was the number.

Q. 2807 what ?—A. Indeed I couldn't tell you the name of that street ; it is not worked through there ; it is on the hill there ; a woman kept the boarding-house.

Q. Have you ever been registered ?—A. Yes, sir.

Q. Did you go to the polls on election day ?—A. Yes, sir.

Q. Where were the polls ?—A. The polls was right opposite at Mr. Othman's. I always hauls for Hayden & Allen's. That is on Saint Louis avenue, between Jefferson avenue and Elliott avenue ; that is where the polls was where I voted.

Q. How far from your residence ?—A. About half a block, I should judge it to be.

Q. Did you find your name on the polling sheet when you went there ?—A. No, sir ; I didn't look at any polling sheet.

Q. Where were you when you registered ?—A. I lived right at that boarding-house, 2807, on Jefferson avenue ; a little above there—near 1 to Jefferson avenue.

Q. When did you move from there ?—A. I moved from there this Christmas. Christmas-eve I left that boarding-house.

Q. Then you moved after the election ?—A. Yes, sir ; yes, sir.

Q. When you went to the polls did you hand in your ballot ?—A. I did ; yes, sir.

Q. What sort of a ballot was it ?—A. A Democratic ticket—straight Democratic ticket. I picked it up and passed it through the window.

Q. Was Frost on your ticket for Congress ?—A. Yes, sir.

Q. Do you know what was done with your ballot ?—A. I couldn't tell you. He took the ballot and asked me for my name ; I told him my

name. He was sitting at a little table like this, and called for a pen and ink, and said, "That will do;" then I walked away.

Q. Is there any other Eli Slay living up there in that neighborhood?—A. No, sir.

Q. Is there any other man having that name living in the city of Saint Louis?—A. No, sir; no, sir.

Q. Well, if your ballot, the same that you cast there, is at present in the hands of the supervisor, what do you know in regard to that?—A. I couldn't tell you.

Q. Did you see it go into the ballot-box?—A. No, sir; I did not; he took the ballot.

Q. And you went away?—A. Yes, sir.

Cross-examination by Mr. POLLARD:

Q. Where were you living when you voted before, Mr. Slay?—A. Fourteenth and Benton, right opposite them polls; the poll
4 was at the barber-shop. That was when Van Dillon was running.

Q. When was that?—A. I forget what year it was.

Q. That was two years ago last fall?—A. Yes, sir.

Q. Was that the first time that you ever voted in Saint Louis?—A. Yes, sir; yes, sir.

Q. And you went then to the city hall and registered, did you, Mr. Slay?—A. No, sir; I registered right there at that time, at them polls. I wanted to go to the city hall, but it was so crowded that I couldn't spare the time, and Mr. Allen authorized me to hurry back.

Q. How far is this place, 2807 Jefferson, from Benton street?—A. It is about five blocks.

Q. It is not in the same precinct, nor in the same ward at all, is it?—A. I don't know anything about it. I asked one of McKellop's salesmen if I had to transfer down there, and was told that it was not necessary for me to have a transfer; that all men could vote up there. I saw Mr. Murphy, the vehicle inspector, and I asked him also. He knows me from a boy up, because my father was one of the oldest citizens that was in the city of Saint Louis.

Q. What number is Jefferson avenue—what number of street, I mean; Twenty-sixth, isn't it?—A. Yes, sir; I think so.

5 Q. Then, from Fourteenth to Twenty-sixth street would be more than four or five blocks, wouldn't it—that is, if it were immediately west?—A. Yes, sir; it would.

Q. It would be twelve or fourteen blocks?—A. Yes, sir.

Q. And it is not in the same precinct or in the same ward?—A. I don't know how the wards run; I never paid much attention to them.

Q. Don't you know that Jefferson avenue, 2807, is in the Twentieth ward?—A. I couldn't tell you.

Q. And Fourteenth and Benton is in the Fourteenth ward?—A. It used to be the old Eleventh.

Q. What is your judgment about it; is it or is it not?—A. Well, I couldn't very well decide, because I am not so well posted.

Q. They are some twelve or fourteen blocks apart; they are not in the same voting precinct?—A. No; 1700 is on one block, and 1600 is below.

Q. And you never got any transfer from Fourteenth and Benton to 2807 Jefferson?—A. No, sir; I did not. They said I wouldn't require it.

Q. And when you went to the polls on Saint Louis avenue, between

Jefferson and Elliott avenues, they couldn't find your name on the poll book, or could they?—A. I didn't ask them whether they could or not.

6 Q. What did you ask when you went to the polls?—A. I took up a ticket; he says, "Write your name on the back of it;" and then I supposed it to be all right, and walked away.

Q. Was that the first thing that you said?—A. Yes, sir.

Q. Didn't you tell him that you wanted to vote?—A. No, sir; Mr. Murphy was there; he used to be vehicle inspector; I don't know what his business was there.

Q. Was he judge of election?—A. I don't know whether he was or not; I didn't ask him. He was outside; I knew him, and he picked up a ticket and says, "Here is a ticket that you want to vote;" then I wrote my name on the back of it and passed it in the window; he says, "That will do." This man inside had a big book and a pen, and he put it down, put it on the books. I never got any transfer. I don't know whether I got any transfer there or not. I don't know. He says, "Go ahead, it's correct."

Q. You never had registered at the city hall?—A. No, sir; I had not.

By Mr. DONOVAN:

Q. But you had previously registered at the polls?—A. Yes, sir; they took my name.

Q. Mr. Slay, if you know anything in regard to the streets being peculiarly numbered up there, I wish you would state it.—A. Well, they are some of them pretty well mixed up; there is a street they call West Sixteenth and a West Seventeenth; West Seventeenth is the old
7 Eighteenth street, as near as I can get at it.

Q. Is it, or is it not, a fact that there is a Sixteenth street on one side of this Cass avenue, and that it is Twentieth street on the other side?—A. Yes, sir; exactly.

Q. So when Mr. Pollard says that there were a great many blocks intervening, you meant by counting as you would if every street was laid out and numbered consecutively?—A. Yes, sir.

Q. You were told that you didn't need a transfer because you were not living in the same precinct; is that the way of it?—A. Yes, sir; I learned that through a business man. I asked whether I would have to register at the city hall; no, he says, you are registered at the polls, and it won't be necessary for you to go down to the city hall; and because I could not spare the time I didn't go there. And then the city hall was crowded. I had to ship some goods away and I couldn't spare the time. I spoke to several gentlemen besides, and asked them if they thought it was necessary for me to go to the city hall and get a transfer; they said no. And Murphy, at the polls, says, "You don't need any transfer; just take a ticket and hand it in and it will be all right."

By Mr. POLLARD:

Q. None of these men who told you that you didn't need any transfer were city officers; they were business men?—A. Business men, yes, sir.

8 Q. And when you say that there is a difference in the numbering on Cass avenue between the streets on the south side and the north side of Cass avenue, you don't mean to say that 2807 Jefferson avenue is anywhere near Cass avenue; but that it is some fourteen blocks north of Cass avenue?—A. It is north of Cass avenue.

Q. Some fourteen blocks, isn't that a fact?—A. I don't know whether it is or not; I didn't count the number of blocks.

Q. Isn't Cass avenue the same as Fifteenth street; in other words, are not the numbers on one side of Cass avenue, fourteen hundred and odd, and on the other side fifteen hundred and odd?—A. Nearly all I know about it is just simply a passing notice; I never paid any particular attention to that.

Q. But anyhow, it is a good many blocks north of Cass avenue?—A. Yes, sir.

Q. And these two places, 2807 Jefferson avenue and Fourteenth and Benton, after having thought and considered the matter over, you conclude that they must be some twelve or fourteen blocks apart, do you not?—A. I don't know whether they would be that far apart. I can count them up.

Q. Just try and count them up if you can?—A. You see all the blocks don't run through; they are blocked up with quarries; you can't count the blocks after you reach Sixteenth street.

9 Q. Simply because the streets are not run through, on account of quarries?—A. Yes, sir.

Q. But, then, the distance is the same as if the streets had been run through, is it not?—A. I judge it would be.

Q. Then, the distance really is the distance between Fourteenth and Twenty-sixth streets, and that would be twelve blocks?—A. Yes, sir; I should judge it would be very near that.

Q. Now, is 2807 Jefferson avenue, north or south of Benton street?—A. It is north of Benton street.

Q. How many blocks north?—A. Well, I couldn't tell that, the way the numbers run; it is three north, that way, to Saint Louis avenue. (Indicating).

Q. Well, was this north of Spring street where you lived—on Jefferson avenue?—A. Yes, sir; just a little above Saint Louis avenue.

Q. Then, these two places are about fifteen or sixteen blocks apart by actual calculation, are they not; that is, about twelve blocks west and between three and four north?—A. Yes, sir; I should judge it would be if the blocks were run through.

By Mr. CONROY:

Q. But they were both in the same polling precinct?—A. I think they are; I never had much time to notice that.

By Mr. POLLARD:

10 Q. You don't mean to say that these two places are both in the same polling precinct, as you have just testified?—A. I wouldn't say for a certainty; I don't know how the precincts are or what constitutes a precinct.

Q. Where did you go to vote when you lived on Fourteenth and Benton streets?—A. I went there to the polls at the barber-shop.

Q. On what street?—A. It was on Fourteenth street.

Q. Near Benton?—A. Near Benton; yes, sir.

Q. Now, last fall when you went to vote, when you resided at 2807 Jefferson avenue, you didn't go to the same place to vote?—A. No; down below.

Q. You didn't go to the same place; that is, on Fourteenth near Benton?—A. No, sir.

Q. Well, if they had been in the same precinct—if both of these places had been in the same precinct, you would have gone to the same place

to vote that you had voted at before?—A. I don't know whether I would or not.

Signature waived.

11 AUGUST UTHE, being then produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Give the notary your full name.—Answer. August Uthe.

Q. Where are you living?—A. Fifteenth and Farrar streets.

Q. What is your number?—A. No. 3734 North Fifteenth street.

Q. How long have you been living there?—A. Two years; nearly two years.

Q. How long have you been living in the city of Saint Louis?—A. About twelve to fifteen years.

Q. How old are you?—A. I am thirty years of age.

Q. Were you ever registered?—A. Yes, sir; I was.

Q. Where were you living when you registered?—A. It was on Sixteenth and Montgomery.

Q. Did you ever vote since you have been living at 3734 North Fifteenth street?—A. Yes, sir; I did.

Q. How often?—A. I voted most all the time.

Q. Did you obtain a transfer to 3734?—A. Yes, sir; I was.

12 Q. Did you go to the polls on election day?—A. Yes, sir; I did.

Q. Where were those polls?—A. On Fifteenth and Bremen avenue.

Q. How far from your residence?—A. It is one block.

Q. Did you offer a ballot when you went to the polls?—A. Yes, sir; I did.

Q. What sort of a ballot was it?

WITNESS. You mean ticket?

COUNSEL. Ticket; yes.

A. It was a Democratic ticket; the whole Democratic ticket.

Q. With Frost for Congress?—A. Yes, sir.

Q. What was done with your ticket?—A. Well, they took my ticket and put it on the string; not in the box; they couldn't find my name in the book.

Q. Do you know why your name did not appear on the book?—A. No; I don't know.

Q. It was stricken off?—A. It was not there at all.

Cross-examined by Mr. POLLARD:

Q. You say you voted several times since you have been living at 3734 North Fifteenth street?—A. Yes, sir; I did.

13 Q. How many times; at how many elections?—A. I couldn't tell that.

Q. Four or five?—A. Yes; three or four times.

Q. And you lived there two years?—A. Yes, sir; over two years.

Q. Where did you live before you moved there?—A. On the north-east corner of Fifteenth and Bremen avenue.

Q. Fifteenth and Bremen avenue?—A. Fifteenth and Bremen avenue; yes, sir.

Q. And you registered when you lived on the corner of Fifteenth and Bremen avenue?—A. Yes, sir; I did.

Q. How long ago was that?—A. It might be a year or a year and a half.

Q. Ago?—A. Yes, sir; I voted that time.

Q. That was about a year or a year and a half ago?—A. Yes, sir.

Q. And you say you registered when you lived on the corner of Fifteenth and Bremen avenue?—A. Yes, sir; I registered when I lived on the corner of Fifteenth and Bremen avenue.

Q. Where did you register; at the polls?—A. At the city hall.

Q. You went, then, to register at the city hall?—A. Yes, sir.

14 Q. That was the first time that you had ever registered?—A.

No; it was not. I voted before already.

Q. Where did you reside when you first registered?—A. I can't tell that no more; that is too long ago.

Q. How long ago was that?—A. It might be seven or eight years ago.

Q. Well, now, you say you registered from Fifteenth and Bremen avenue a year or a year and a half ago; now, did you ever get a transfer since you registered from Fifteenth and Bremen avenue, and after moving to 3734 North Fifteenth?—A. Yes, sir; I was at the city hall and got registered again.

Q. When did you go to the city hall the last time?—A. The last election that was here.

Q. Last November?—A. Yes; last election.

Q. The second day of last November was the last election.—A. It was at that election.

Q. The Presidential election?—A. Yes, sir.

Q. How long before the election did you go to the city hall?—A. A couple of days before the election; it was the last time; it was very crowded.

Q. You went, then, to the city hall; what did you do there; did you register again?—A. Yes, sir; I did.

Q. You didn't get any transfer, but you registered again?—A. Well, they took my name again; I don't know what they did.

Q. Did you swear?—A. Yes, sir; I did.

15 Q. You held up your hand and made oath?—A. Yes, sir; I did.

Q. And after that, did they write your name on any book?—A. Yes; they did.

Q. Where were you living then?—A. On Fifteenth and Farrar.

Q. When you went to the polls what did you do?—A. I put in my ticket; I handed in my ticket; they took it, but they couldn't find my name, and they put my ticket on a string.

Q. They looked for your name there, did they?—A. Yes, sir.

Q. Did you tell them where you lived?—A. I am very well acquainted there; they took my ticket there.

Q. Did they tell you that your name was not there?—A. No; they did not; they couldn't find it.

Q. Didn't you know that your name was not there because you had not transferred?—A. Well, I didn't know.

Q. Wasn't that what the judges inside told you?—A. I was for this purpose to the city hall again.

Q. On election day?—A. On election day I was told that my name was not there on the book; I had trouble all the time with my name; they could not find it; pretty near every time that I voted they couldn't find my name; so I went to the city hall for that purpose, and found how that was.

16 Q. Well, what did you ascertain then?—A. Well, I couldn't

do nothing there; it was too crowded; they took my name, and that is all they did.

Q. At the city hall?—A. Yes, sir.

Q. Then, you hadn't registered there?—A. Yes, I did. I think they did have it there, for I swore to it.

Q. Why, didn't you say that you couldn't find out anything because it was too crowded?—A. They took my name, anyhow.

Q. Who took it?—A. One of the clerks.

Q. At the city hall?—A. At the city hall; yes, sir.

Q. And you went there after you had found out that your name had been stricken off, did you?—A. Yes, sir; I couldn't find it; that was the reason I went there.

Q. Who couldn't find it?—A. Well, those men; the man that is at the poll that takes the votes.

Q. When was that, on election day?—A. On election day—on the last election day.

Q. Then you went to the city hall on election day?—A. Before the election day.

Q. I wish you would make up your mind which day it was a little clearer. A moment ago you said it was on election day, and now
17 you say it was before; which was it?—A. It was a couple of days before the election; it was not on election day; it was before the election.

Q. Then you knew two days before the election that your name was stricken off?—A. I didn't know it.

Q. What did you go to the city hall for, then?—A. I went to find out, because I had trouble with my name all the time; they couldn't find it at election before this last one.

Q. Then; two days before the election you went to the city hall to see whether your name was properly registered; is that the way of it?—A. Yes, sir.

Q. What did they tell you at the city hall?—A. It was too crowded, and they took my name; that is all I know about it.

Q. And you went away?—A. Yes, sir.

Q. Some one took your name?—A. Yes, sir; he wrote it down on something.

Q. You didn't swear, of course, to that?—A. Yes, sir; of course I did.

Q. When you went to the polls on election day they didn't find your name there?—A. No, they didn't; it was not in the book they had.

Q. And that is the only transfer that you ever got, from Fifteenth and Bremen avenue to 3734 North Fifteenth street?—A.
18 No; it was not.

Q. When did you get any other transfer?—A. From Sixteenth and Montgomery to Fifteenth and Bremen avenue; from Fifteenth and Bremen avenue to Fifteenth and Farrar street.

Q. When did you get this transfer from Fifteenth and Bremen avenue to Fifteenth and Farrar street?—A. I can't recollect that any more; it is too long ago.

Q. But you say you moved from Fifteenth and Bremen avenue about a year or a year and a half ago?—A. Yes, sir.

Q. And of course the transfer must have been made after you left Fifteenth and Bremen avenue, wasn't it; or was it made before?—A. It was made after that.

Q. After you left there?—A. Yes, sir.

Q. But it is so long ago that you can't remember when it was?—A. No; I do not.

Q. Then you must have gone, after you left Fifteenth and Bremen avenue, to the city hall on two different occasions; did you or did you not?—A. No; I was once there.

Q. And that was on the second day before the election?—A. Yes, sir; it might be eight or ten days before, or a couple of days; I know it was the last time.

Q. But that is the only time that you went there after you
19 moved from Fifteenth and Bremen avenue?—A. Yes, sir; that is all the time.

Q. You only went there once, and then you found the hall so crowded that all you did was to give your name to a clerk inside, which he took?—A. Yes, sir.

Q. That is everything that was done, is it not?—A. Yes, sir.

Q. And you went away?—A. I went away.

Q. And then when you went to the polls you found your name was not on the poll book at all?—A. Yes, sir.

Q. But you handed them in a Democratic ticket, and they put it on a string?—A. Yes, sir.

Q. And that was because your name was not there?—A. Yes, sir.

Q. Now, wasn't that a Hancock Independent ticket that you voted?
—A. It was a Democratic ticket. That is all I know.

Q. Did you read it through?—A. Yes, I did.

Q. Who was on it for President?—A. Hancock and the other man.

Q. Hancock and English?—A. Hancock and English.

Q. Who was on it for governor?—A. I can't remember no more;
20 of course it was Crittenden who was on it.

Q. Do you know who was on it for the legislature for the district?—A. Yes, sir.

Q. Who was?—A. It was Frost.

Q. He was on it for the State legislature from that district?—A. Yes, sir.

Q. And that is the office that you voted for Mr. Frost for?—A. Yes, sir; I voted the whole ticket.

By Mr. DONOVAN:

Q. You mean Frost for Congress, not for the State legislature?—A. For Congress, yes.

Q. When you speak of Fifteenth and Farrar street, you mean 3734 North Fifteenth?—A. Yes, sir.

Q. They are the same house?—A. Yes, sir. The same house where I live.

Q. When you say you went to the city hall to get your transfer or your registration fixed properly, you meant that you went there two days before the registration closed, and not two days before the election?

Mr. POLLARD. I object to that question for this reason: that the counsel went fully over that on the cross-examination when on that subject, and the witness has sworn point blank to all such questions asked. Now, I don't think it is fair to the witness for the gentleman to try to get his own witness to perjure himself here.
21

Mr. DONOVAN. It is quite evident that the witness is a very honest witness, but Mr. Pollard has succeeded in confusing him. I would like him now to try and put himself to right again on the record.

A. Well, when I went before the registrar's office was closed.

Q. There was a great crowd there?—A. There was a crowd there.
 Q. But you succeeded in getting up to the counter?—A. Yes, sir.
 Q. You saw the registering clerk?—A. Yes, sir; I did.
 Q. You gave him your name?—A. Yes, sir; he took my name.
 Q. You told him where you lived?—A. Yes, sir; I did.
 Q. He requested you to hold up your hand and swear?—A. Yes, sir.
 Q. And you wrote your name in a book?—A. Yes, sir.
 Q. On the official sheets?—A. Yes, sir.
 Q. And then when you went to the polls, your name was not there?
 —A. Yes, sir; you must excuse me, gentlemen, I do not talk English very well.

By Mr. POLLARD:

Q. Didn't you understand every word that the gentleman has spoken to you?—A. Well, yes; but I can't speak it very well.
 Q. Didn't you understand all that I asked you?—A. Well, not quite.

Q. Well, I will try and be very clear in my questions; you say you subscribed there the official register; now, I want to know this, how you know you wrote your name on the official registration sheets at the city hall?—A. Well, that is what I told before; they took my name, you know, and put it on the paper and I went off; they told me, "You may go."

Q. And that was all that was done there?—A. That was all that was done.

Q. Every single thing?—A. Yes, sir; I had my address on a card and handed it to the gentleman.

Q. And when you have stated in answer to the questions put by Mr. Donovan "yes" to a series of questions, you simply meant that you did this and nothing else at the city hall, to wit, that you went there; there was an immense crowd there, you succeeded after a while in getting up to the desk, when a clerk appeared; you gave your name to him; he looked at it and said it was all right, and you went away?—A. Yes, sir.

Q. That was all that occurred there, wasn't it?—A. Yes, sir.

23

By Mr. DONOVAN:

Q. Did you or did you not swear when you went to the city hall?—A. Yes, sir; I did.

By Mr. POLLARD:

Q. How did you swear, because there was such a crowd; was that what made you swear?—A. Oh, no; he told me to hold up my hand.

Q. Who told you to hold up your hand?—A. The clerk did.

Q. Then when you answered me that certain things was everything that was done, you were mistaken, were you?—A. I don't know what you mean.

Q. When you answered me that you simply went there and handed him your name he took it, and you went away, and then told you that was all right, when you told me that that was all that you did there, you were mistaken?—A. Well, yes; that is all I did there.

Q. That is all that you did there?—A. He took my name, and he told me you may go, and then I went off.

By Mr. DONOVAN:

Q. Did you swear there, or did you not when you went to the city hall?—A. I swore, yes, sir; I held up my hand there. You know I only went there to find out my troubles; it was often the case that they couldn't find my name, could not get registered at all; so I just went

there to get transferred; I went there to find out what was the
24 matter. I am very well acquainted in the neighborhood. I
know I couldn't vote anyhow if my name was not on the book,
but they took my vote anyhow; they did that all the time.

By Mr. POLLARD:

Q. What is your business?—A. Cigar-maker.

Q. Where?—A. I am working here on Fifth and Washington avenue,
second house from the corner.

Q. Who are you at work for?—A. P. Roddy.

Signature waived.

L. W. MITCHELL, being then produced, sworn, and examined on the
part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name if you please?—Answer. L. W. Mitchell.

Q. Were you a member of any board of revision that was held just
prior to the election of November last?—A. I was.

Q. Are you a member of the present board that just adjourned yes-
terday?—A. Yes, sir.

Q. Were you a member of any other board?—A. I have been
25 a member of the board probably for the last four or five years.

Q. How long have you lived in the city of Saint Louis?—A.
Well, something over forty years, with the exception of a residence of
about three years probably in Jefferson City.

Q. Do you know many of the members of the board of revision that sat
before election day?—A. Personally no; not many.

Q. You know them by reputation?—A. By reputation, most of them.

Q. What was the standing of that board in this community as citizens
and men of integrity and men of perfect fair dealing?—A. Well, it was
good; probably for a board of revisers unusually good; probably one of
the best boards we have had.

Q. Did you note any disposition on the part of any single member of
that board to act unfairly or discharge their duties otherwise than faith-
fully, any duty that was imposed upon them by law?—A. No, not so
far as I know; the disposition of the board was to act fairly; I saw
nothing out of the way.

Q. What ward did you represent in that board?—A. The Eighth.

Q. That is in the third Congressional district?—A. Yes, sir.

Q. Do you know the voting population in your ward?—A. No; I
can't say that as a matter of fact.

Q. About how many names did you have to erase from the regis-
26 tration list at that revision?—A. I can't state that as a matter of
fact; I can only give an impression.

Q. What is your impression?—A. Well, my impression is that it was
probably one hundred. My ward, understand, is one in which there
was at that time one rolling mill, one of the largest car stables in the
city located there, and the water-works; that would necessarily be a
floating population.

Q. Did you do the work of revision yourself, or did you have assist-
ants?—A. No assistants; I did it myself.

Q. What was your course of procedure in revising the lists in that
ward?—A. In revising the registration of the ward in ten days, it is
impossible to go around to every house and get a personal knowledge
from the parties themselves. The course that I pursued was to obtain
my information from the most reliable sources I could in the ward—

parties of known repnte. I would ask those that had the best opportunity of knowing the facts—from grocerymen, drug-store keepers; sometimes from letter carriers, and such others that had the best opportunity of knowing the facts.

Q. Did you consult men of various political parties?—A. I did.

Q. And you obtained your information from the best sources that you could, so as to satisfy yourself that your work would be honestly done?—A. Yes, sir.

Q. Did you report the names to the board?—A. Names that were removed I did.

Q. What action did the board take on them?—A. Well, a certain class of names were stricken off.

Q. And the board ordered them to be stricken off under a general rule?—A. Yes, sir.

Q. Do you know whether these names were published in the newspapers?—A. I don't know; they were directed to be published in the papers—in the official paper; that was the direction given to the secretary of the board; it was to be published from time to time.

Q. Do you know whether that list was published in the other papers or not?—A. Yes, sir; as a matter of news they were published in some of the other papers.

Q. But the city did not pay for any but the official printing?—A. That is all.

Q. Did you attend the meetings of the board daily?—A. Yes, sir; I believe I attended every meeting of that board.

Q. Do you know whether any Republicans were on that board?—A. I do not.

Q. Do you know Henry S. Parker?—A. Yes, sir; well.

Q. Do you know his politics?—A. Yes, sir.

Q. What are they?—A. Henry S. Parker is a Republican.

Q. Did he hold any office in the board?—A. He was president of the board. He was also member of the former board.

Q. Were there any disagreements between Republican and Democratic members in the board?—A. I have no knowledge—no actual knowledge of the politics of but few of the members of the board.

Q. Was your action harmonious, or did you have disagreements?—A. It was harmonious.

Cross-examination by Mr. POLLARD:

Q. You are a Democrat in politics, I believe?—A. I usually vote the Democratic ticket.

Q. And did vote it the last fall?—A. I voted it last fall.

Q. You say that you think that Mr. Parker is a Republican?—A. That is my impression. I have had a long acquaintance with Mr. Parker for years, and have come in contact with him at various times and places, and I have always understood him to be a Republican.

Q. Do you know Mr. Overstolz?—A. I do.

Q. What is his politics?—A. Well, that I believe is generally said to be a problem not yet solved.

Q. He is the prospective candidate on the Democratic ticket for mayor at this forthcoming election?—A. I don't know that; I presume so; I have heard it so stated; I haven't seen him to talk to him about it.

Q. Isn't he the most prominent man before the public for the position of candidate for mayor on the Democratic ticket, for the election that is to come off in one week from next Tuesday?—A. Not being in active politics, I couldn't answer that question.

Q. And you are willing to say here that you don't know whether he is a prospective candidate or not?—A. I understand he is a prospective candidate; I don't know it though; I have no knowledge of the fact; but I understand him to be a prospective candidate.

Q. On what ticket?—A. Well, I have heard it stated on the Democratic ticket, but yet I don't know that.

Q. But nobody accuses him of being a possible candidate on the Republican ticket?—A. No; I think not.

Q. The Republicans have already nominated their ticket?—A. Yes, sir; the Republicans have already nominated their ticket.

30 Q. And did not nominate him for mayor?—A. And did not nominate him for mayor.

Q. Isn't Mr. Parker the only Republican that was on that board of revision?—A. I can't tell you, sir, the politics of a dozen members of that board.

Q. Isn't he the only Republican that you knew on that board?—A. He is the only one that I knew on that board.

Mr. DONOVAN. You mean as a Republican?

A. Yes, sir; as a Republican.

By Mr. POLLARD:

Q. You say you struck off a hundred names from your lists?—A. I say probably one hundred; I will not speak of that as a fact, at all; I am only giving this as an impression.

Q. But there is no doubt it is very near correct?—A. I don't know whether it is or not; that probably is about a fourth of what I have stricken off since I was a member of the board.

Q. How many have you stricken off this time?—A. I think very nearly the same number.

Q. Isn't it a fact that you struck off over two hundred last fall?—A. It may be; I can't answer that.

Q. It might be even as many as three hundred?—A. I don't think it was three hundred; the voting population is too small for that.

Q. About how many voters are there in that ward?—A. I suppose from a thousand to twelve hundred; I give that as an impression, not as a matter of fact.

31 Q. You say you personally knew but very few members of the board of revision?—A. Their political standing; their politics.

Q. I understood you to say that you were not personally acquainted with but very few members of the board?—A. Personally acquainted; well, probably not over one-half. I was not personally acquainted with one-half of the members of the board; but I knew almost all of them by reputation.

Q. When you say you knew them by reputation, you mean, I suppose, what that word implies; that you had heard their characters and their qualifications for that office commented on, and talked about by citizens of Saint Louis?—A. I knew most of them by reputation outside of meeting them in the board.

Q. Well, how do you learn a man's character or a man's reputation, Mr. Mitchell?—A. We learn from the course of opinions of others; expressed opinions of others.

Q. Then you learned it, did you not, by hearing other people talking about them?—A. Yes, sir.

Q. Then you must have heard a good many people talking about these members of the board with whom you had no personal acquaintance?—A. Yes, sir; some of them.

Q. And every person whom you had ever heard talking about those members of the board expressed themselves after this manner
 32 that they were, undoubtedly, men of good standing in the community because no one knew anything prejudicial to their credit?

—A. I don't pretend to say that at all; they were men of fair reputation; that was what I meant to say; but to come and put all those words in my mouth—I can't answer a question of that kind. They were men of fair reputation.

Q. Then their reputation didn't go as far as I expressed in my question?—A. I have no knowledge of that fact.

Q. You didn't make what is commonly known as a canvass of your ward; that is, you didn't go around the ward from house to house to inquire whether the names placed against the various numbers on the poll book were represented by men living at those numbers?—A. Not in every case. No, sir; not in every case. When I had reason to doubt, I went to many houses, when I couldn't get the information to suit me. But where I could get the information from reliable sources, I wouldn't go to the houses. It was impossible to canvass the ward—if that is what you speak of—to go from house to house.

Q. Isn't it absolutely impossible to go to more than a tenth part of the houses in that time?—A. Yes, sir; it would be impossible. You couldn't do it.

Q. And if a man attempted to do the work of the reviser, he has either got to let a very large portion of it undone, or else he has got to take the statements of other people concerning the names on the list?

33 —A. Well, he has got but a short time; he has got to obtain his information from the most reliable sources at his command.

Q. Where did you go?—A. I went to parties whom I knew to be persons of repute, and which were supposed to be best acquainted with the facts.

Q. What class of persons did you go to; merchants and the like of that?—A. I went usually to grocery stores.

Q. Corner groceries and drug stores?—A. To groceries and others that had the best means of obtaining information; also from letter carriers.

Q. Did you consider the information that you got from these letter carriers as valuable as that which you obtained from anybody else?

A. If I knew the parties, certainly. If I knew the letter carrier to be a man of veracity his information was as good as any others.

Q. Isn't that generally the character of the letter carriers in Saint Louis?—A. As far as I know it is; I haven't a very extensive acquaintance with them.

Q. In your canvassing did you find out whether a man named Edward Kleinekordt, No. 811 Mullanphy street, lived at that place?—A. I can't answer that; I have no recollection of that fact.

Q. That is the precise number. You don't know whether his
 34 name was stricken off or not?—A. At the present time I do not know.

Q. And the same answer applies to C. N. Lester, No. 3502 Broadway?
 —A. Yes, sir.

Q. And to Louis Manley, 909 Mallineroth?—A. I don't recollect now.

Q. And Charles W. Stein, 3527 Broadway?—A. I don't recollect that name; there was a William Stein, William C. Stein, probably, stricken off. My impression is that Charles W. Stein was not stricken off; al-

though I may be mistaken; at least there was one Stein that was not stricken off at that number.

Q. Well, was he properly left on?—A. He was properly left on, from my information.

Q. Did you strike off the name of William Williams, residing at 3519 North Ninth street?—A. I can't answer that question.

Q. Did you strike off the name of John Ruby, 818 Salisbury street?—A. I have no recollection of that; I made my returns to the board, and didn't charge my memory with the matter further, after my report was made.

Q. Did you strike off the name of James McGloni, 2619 Broadway?—A. I don't recollect that either.

Q. Did you strike off the name of Carl Millar, 4016 Broadway?—A. I can't recollect that; I can't answer that now.

Q. Did you strike off the name of F. W. Vogel, 3711 Broadway?—A. Nor can I remember that.

Q. Did you strike off the name of George Prosser, 4210 North Second street?—A. I think I did strike off George Prosser; I recollect that name.

Q. You found that he was not living there at that place?—A. Yes, sir; I think so.

Q. And struck his name off?—A. Yes, sir; and struck his name off.

Q. How in regard to James Wilson, 4219 Broadway?—A. I don't recollect Wilson.

Q. You were a clerk at one of the precincts, were you not?—A. Yes, sir; I was.

Q. What precinct?—A. I was at the 84th.

Q. Mr. Francis Kraus, 815 Destrehan street, was one of the officers there, was he not?—A. He was the revising officer—or rather, he was the registering officer there that day.

Q. I want to ask you, Mr. Mitchell, whether you learned in your association with the members of this board of revision, that in all the large wards, they employed assistants in doing this work of revision?—A. Well, I heard such statements, but I don't know whether that was the case or not.

Q. I will ask you, Mr. Mitchell, whether, in your judgment, that was done in pursuance of the law?—A. That, sir, I don't undertake to determine; I am not prepared to pass upon that question.

36 Q. I will ask you, Mr. Mitchell, whether or not you consider, under the law, you had a right to employ other people to do this revision for you?—A. I will answer that question in this way; that I had a right, under the law, to have obtained that information in the most reliable way I possibly could, to have made an effective canvass of the ward, and that I could employ a party that I relied upon; and if it had become necessary to obtain the information in that way I would as readily employ such assistance as to obtain the information in any other way. We all know that in revising the registration, that taking even the smallest ward, that a perfect revision from personal knowledge of all the cases can't be had within ten days; and if I was engaged in canvassing a large ward, that I was unacquainted with, I would obtain the information from what I considered the most reliable source.

Q. As a matter of fact, you didn't visit one house in fifty in your ward?—A. Well, probably one in fifty. Mine was a small ward. If I had been canvassing a large ward, I couldn't have visited one in a hundred. One advantage that I have, is that I have been living within

the limits of that ward—the Eighth ward, for many years, and have a large personal acquaintance with the people there.

Q. Would you consider a revision as accurate and faithful and just which was made in this way, to wit, by a reviser who staid in
37 his office, or at his place of business, and employed two or more men whom he did not know, who were sent to him by the central committee of either party, and whom he permitted to do the entire work, and took their word and act for his report, and made it his report to the board of revision?

Mr. DONOVAN. I object to that question, because it is based wholly and totally on an assumed state of facts. There is no witness that has testified that he has staid in his office and caused the whole of this duty to be devolved upon his assistants.

Mr. POLLARD. I desire to call the attention of the gentleman to revisers from the First, Second, Third, Fourth, Fifth, and other wards, who have testified here on this stand to the facts substantially as we put them in the hypothetical question.

Mr. DONOVAN. An examination of the record will flatly contradict the assertion, and I presume the members of the committee may possibly read it.

Mr. POLLARD. It is certainly to be hoped that the members of the committee will read all these election speeches which the counsel for the contestee has embodied in this record. I certainly think that they will be very much entertained and highly amused.

The WITNESS. As to the time he spent—I have no knowledge of the facts.

Q. I put, Mr. Mitchell, a hypothetical question; in other words,
38 I stated to you this question which you see is very fair; whether a revision done in that way, and in no other way, would be a fair, just, and equitable revision, under the law, of that ward?—A. Well, I have no knowledge of the facts.

Q. I don't ask you if you have any knowledge of it?—A. I don't consider that as a witness here I am called upon to answer any case based upon assumption; there is a law governing a case based upon assumption; but I don't know it, because I am not in that business, that is not my trade; I don't pretend to be versed in the law.

Q. You are not a lawyer?—A. I am not a lawyer.

Q. I will ask you again to state whether or not that would be fair; you certainly can tell that if you are not a lawyer; would it, in your judgment, be fair?—A. I stated to you in a former answer the course I should probably pursue if I had a ward which I couldn't possibly handle myself; I would consider the means and the information that I had to obtain, as far as I could obtain it in any other way aside from personal investigation; that is, provided I knew and had confidence in my assistants, through whom I should obtain the information.

Q. You are not willing to say that a revision made in the manner stated in my hypothetical question—you are not willing to say that it would be eminently fair and just?—A. Well, I am not willing to pass upon the action, if this is the action of any revisers; I can only say, that
39 so far as the Eighth ward is concerned, I revised it without any assistants, either employed or volunteered; I took the information of no parties, and they were following me around from both parties, that were employed to obtain information.

Q. Why not?—A. Because I didn't consider that they could be relied upon; it was of an interested character, and I was not willing to trust it.

Q. Then, I believe you substancially say that a revision, if there was one made as stated in my hypothetical question, in your opinion, would not be a fair and just revision?—A. I don't think that could be hardly a fair construction of my answer in that case; these parties that were employed following me around were interested parties, and were doing this not for the purpose of assisting me, but in the interest of some one of the parties; but if parties with whom I had an acquaintance, in whom I had a perfect confidence, and knew them to be fair men, and they had volunteered to assist me, as a matter of accommodation to me in obtaining the information, I might probably take that as reliable and fair information.

Q. Now, Mr. Mitchell, I will ask you this question, whether a revision made in the manner which I have indicated in my question would, in your opinion, be fair or unfair?

Mr. DONOVAN. The question is so far lost in the mazes of these sheets, that the gentleman had better repeat it again.

(Question read.)

A. That, I think, is simply a matter of legal opinion.

40

By Mr. POLLARD:

Q. And you are unable to state whether it was fair or unfair?
—A. I am not willing to state.

Q. You will not make any reply?—A. Not upon that point; because that is answering a question that is not within the province of a witness to answer; that is simply a legal opinion.

Q. In other words, you have no opinion as to whether that would be fair or unfair?—A. Not having been obliged to avail myself of that mode of information, I can't say. I am not willing to reflect upon those who may possibly have done so.

Q. Consequently, if any of your Democratic brethren have done business in that way, you are not now willing to say that it was a wrong way to do business?—A. So far as my Democracy is concerned, that is not deeply dyed; I generally vote for men, not for politics; I have no regular politics.

(Question read.)

A. No; I am not prepared to say.

Q. You say you voted the Democratic ticket last fall?—A. I did not say so.

Q. Did you vote the straight Democratic ticket last fall?—A. I did not.

Q. You split your ticket?—A. I generally do, I presume I did then.

Q. You voted for Mr. Frost?—A. I can't answer that question definitely; my impression is that I did.

41 Q. Did you, or did you not, scratch your ticket last fall?—A. I did.

Q. How many votes were polled in precinct 84, of which you were clerk last fall?—A. That I don't recollect, not with certainty; probably—I would state from my impression—from 250 to 300.

Q. Who were the officers in precinct No. 87 on election day, if you know?—A. I don't recollect now.

Q. Was Daniel Hannigan one?—A. I think so.

Q. Daniel Nichols?—A. Yes, sir.

Q. And Pettingill?—A. Yes, sir.

Q. Did you make a canvass in your work of revision in this precinct No. 87?—A. Yes, sir.

Q. Do you know whether those three men I have named resided in that precinct?—A. They resided there.

Q. Do you know whether you struck their names off from the list ?
—A. I did not strike either of them from the list.

Q. Did they reside, each and every of them, where the poll book indicated they resided ?—A. That was my information.

42 Q. And if they did not reside where the poll book indicated you made a mistake in not striking them off ?—A. I made a mistake if they did not reside in the precinct. I did not make a practice of striking off all the names if I didn't find them at the number designated on the poll book if I was informed that they were still living in the precinct. In that case I would make the transfer at the recorder's office, if I knew where they had moved to; but if I knew that they had moved out of the precinct I did make it a practice to strike them off.

Q. You just left them on if you were informed that they were still in the precinct ?—A. Yes, sir; I left them on if I learned and was satisfied that they were still living in the same precinct.

Q. And left their residence as you found it on the poll book ?

Mr. DONOVAN. I object to the counsel for the contestant interrupting the gentleman in the middle of the sentence.

A. I considered every voter entitled to vote in his precinct if he has moved from one house number to another in the same precinct. In that event I still considered him entitled to vote, although his name might not appear on the place designated on the poll book.

By Mr. POLLARD :

Q. So when you went to the house—for instance, No. 3015 Broadway—and found that John Smith, whose name was on the registration list as residing there, did not reside there, but lived some blocks from there, but in the same precinct, you did not strike him off, and
43 you did not change his residence on the registration book ?—A.

I did wherever I had a knowledge of the facts. When I could obtain a knowledge of the facts, and where he did reside, I made a note in that case to the recorder of voters to make the change, to make the transfer. If I could not get a knowledge of the facts where he had moved to I just simply left him on the books.

Q. Then, what class of men did you strike off; those that were dead ?
—A. Those that had removed out of the precinct; those that had moved into other precincts; men that I could not find; probably that never had been living in the district, but who had registered there; men who were registered from numbers where there were no numbers or no houses.

Q. But if you found on your registration list the name of John Smith, residing at 3715 Broadway, and you went to 3715 Broadway, and you learned from the corner grocery, or from any other source, that he had moved from that number, the party who gave you the information adding that he had not moved out of the precinct, you left that name on the poll book ?—A. Yes, sir.

By Mr. DONOVAN :

Q. In making your canvass did you neglect any means of informing yourself in regard to any name that you subsequently caused to be stricken off ?—A. No, sir, I did not. Let me say here, now, that in making my canvass I got the most reliable information; the
44 most general information that I could obtain from the members of either one of the central committees.

Q. Which party ?—A. The Republican party. Mr. Kessler gave me more general information than any other man in the ward.

By Mr. POLLARD :

Q. You usually found his information correct ?—A. Yes, sir ; I found it correct ; invariably correct.

Q. You found that he did not attempt, or in any case deceive or mislead you ?—A. I don't think I met with any parties scarcely that seemed to have any intention to mislead me, or to deceive me, in any information they gave me ; Mr. Kessler certainly did not.

Signature waived.

JOHN MASTERSON, being then produced, sworn, and examined on the part of the contestee, on his oath deposeth and saith as follows, to wit :

By Mr. DONOVAN :

Question. How long have you lived in the city of Saint Louis ?—Answer. About nine years.

Q. How old are you ?—A. About thirty-three years of age.

Q. How long have you been living in this country ?—A. I was born in this country.

Q. Where did you live on election day ?—A. I lived on Sullivan avenue.

45 Q. What number ?—A. Well, there is no number on the house ; I should judge it is about 2615 ; it is about the fifth or sixth lot from Jefferson avenue, west.

Q. On Sullivan avenue west of Jefferson avenue ?—A. Yes, sir.

Q. How long had you resided there ?—A. Well, I resided there about a year and seven months previous to the election.

Q. Where did you reside before you moved to this house, 2615 Sullivan avenue ?—A. No. 2714 Broadway.

Q. How far are those two places apart ?—A. Well, it is nearly a mile.

Q. Were you ever registered ?—A. Yes, sir.

Q. Where were you living when you registered ?—A. I was living on Broadway.

Q. When did you move from Broadway ?—A. I moved from Broadway two years ago the twelfth of this June.

Q. And where did you move to ?—A. Sullivan avenue.

Q. How far are these two places apart ?—A. A mile apart.

Q. Do you know whether they are in the same ward ?—A. No ; I don't know.

46 Q. Or in the same precinct ?—A. No, sir.

Q. Did you go to the polls on election day ?—A. Yes, sir.

Q. Where were those polls ?—A. They were on the corner of Elliott avenue and Saint Louis avenue.

Q. How far from your residence ?—A. About three squares.

Q. When you went to the polls did you find your name on the registration sheet ?—A. No, sir.

Q. Did you register at the polls ?—A. Yes, sir.

Q. Who did you see there the registrar or the supervisor ?—A. I didn't know which was which ; I didn't pay much attention.

Q. Did you swear ?—A. Yes, sir.

Q. Did you pass in a ballot ?—A. Yes, sir.

Q. What was that ballot ?—A. What ticket ?

Q. Yes.—A. The straight Democratic ticket.

Q. Do you know what was done with that ticket ?—A. No, sir ; I don't. There was some words said about it.

47 Q. Did you write your name on the back of it?—A. Yes, sir; I wrote my name on the back of it.

Q. What was done with it you don't know?—A. No, sir; I don't know.

Q. Frost was on your ticket for Congress?—A. I didn't read it; I just took a straight Democratic ticket and voted it.

Q. Well, if it was so on that ticket that you voted, and that ticket is now in the hands of Mr. Allen, the chief supervisor, then it didn't go into the ballot-box?—A. I didn't see what they done with it, after I voted it.

Cross-examination by Mr. POLLARD:

Q. You handed it in, and at-once went away?—A. Yes, sir.

Q. And what they did with your vote, you don't know?—A. No, sir. When I went there at seven o'clock in the morning they didn't let me vote because the registrar was not in; I came back about five or six o'clock in the evening and registered and voted.

Q. You handed in your vote, and they took it?—A. Yes, sir.

Q. And you supposed that it went into the box?—A. Yes, sir; I supposed so.

Q. And you never got any transfer from 2714 Broadway up to where you now live, or where you lived on election day?—A. No, sir; I never got one.

48 Q. And you say these two places are a mile apart?—A. Yes, sir.

Q. And they are not, as a matter of fact, in the same ward, are they?—A. I believe not.

Q. And you know, as a matter of fact, that they were not in the same precinct; in other words, you didn't go to the same place to vote last November, that you did when you voted before that, when you resided at 2714 Broadway?—A. No, sir.

Q. The two places, to which you went to vote on these two different occasions, are more than a mile apart?—A. Yes, sir.

Q. And there are several intervening polling stations in between them, are there not?—A. I should judge so.

Q. You say you did not read your ticket; some one handed it to you?—A. No, sir; I picked it up myself and handed it in straight.

Q. You didn't stop to read it through?—A. No, sir.

Q. And consequently don't know what names were on it?—A. Absolutely. Absolutely I didn't know.

By Mr. DONOVAN:

Q. Did you vote for Hancock for President?—A. Yes, sir; I knew he was at the head of my ticket. I seen that at the head of my ticket.

By Mr. POLLARD:

49 Q. You say that Mr. Hancock's name was at the head of your ticket?—A. I think it was; I couldn't be positive; it was Hancock for President.

Q. It was a Hancock Independent ticket?—A. Hancock for President.

Q. Was it, or was it not a Hancock Independent ticket which you voted; if you know?—A. It was Hancock for President, I understood. I don't know whether he was independent or not. I didn't notice whether he was independent.

By Mr. DONOVAN :

Q. You presume that Mr. Hancock was a Democrat?—A. Yes, sir; that was my idea of it.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Monday, March 28, 1881, then to be continued at the same place, at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 38.

Pursuant to adjournment, as above stated, on the 28th day of March, 1881, at the hour of 10 o'clock in the forenoon, I continued the further taking of depositions as follows:

1 JAMES MURRAY, being then produced, sworn, and examined on the part of the contestee, depose and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name, please?—Answer. James Murray.

Q. Mr. Murray, how old are you?—A. I was, the seventeenth of this month, 22 years old.

Q. Where were you living on election day?—A. I was, living at 1113 Angelrodt street.

Q. How long were you living there before the election?—A. Well, I guess I was living there a year and a month; I couldn't say; about that time.

Q. Where were you born? In this country, Mr. Murray?—A. Yes, sir; I was.

Q. Did you go to the poll on election day?—A. Yes, sir; I did; along with my father.

Q. Where were those polls?—A. The polls was on Twelfth and Malinckrodt streets.

Q. Did you offer to vote there?—A. Yes, sir; I offered to vote there.

Q. Had you ever before in the city of Saint Louis?—A. No, sir; that was my first vote; never got a chance to vote before; wasn't old enough.

Q. What did you offer to do when you went to the polls?—A. I went in with my father; he told the judge that I wanted to register there; he wouldn't have it at all; he told me that I would have to go to the city hall.

Q. Did you inform him that you never had registered before?—A. Yes, sir; I did.

Q. And he refused to register you?—A. Yes, sir; he refused to register me.

Q. Who did you offer to register and vote for?—A. I wanted to vote for Frost.

Q. The Democratic ticket?—A. Yes, sir.

Q. And your ballot was refused?—A. My ballot was refused.

Cross-examination by Mr. POLLARD:

Q. You took a ballot there and handed it in?—A. No, sir; I didn't.

Q. You didn't take any ballot at all?—A. I didn't take any ballot at all; I went in to get registered first, and he wouldn't accept me at all; wouldn't register me.

Q. Then you never had any ballot in your hand?—A. No, sir.

Q. Didn't take one?—A. No, sir.

Q. Didn't offer one?—A. No, sir.

Q. What reason did they give you inside for refusing to register you?—A. Well, the reason they gave me—they told me that I had a right to go to the city hall and register.

Q. Why didn't you go to the city hall?—A. They told me—the firm that I work for—that I could get registered at the polls, and I would

have went down to the city hall, only for that; I thought I could get registered at the polls; and if I could get registered from there it would save me the trouble of going down to the city hall.

Q. It was no city officer that told you that; it was just your employers that told you so?—A. Yes, sir.

Q. And so you didn't go to the city hall at all?—A. No, sir.

Q. And never did register?—A. No, sir; never did.

Q. What is your father's name, Mr. Murray?—A. My father's name is James Murray.

Q. He voted there that day?—A. Yes, sir.

Q. But you didn't offer any ballot whatever?—A. No, sir; none whatever.

Q. Was your father with you when you went there?—A. Yes, sir.

Q. Who were the judges of that precinct if you know?—A. Well, I don't know, sir; I really couldn't tell you.

Q. Do you know who the registrar was there that day?—A. No, sir; he was a man I have often seen, but his name I couldn't tell.

Q. He was a German?—A. He looked to be a German.

Q. You don't know what his name was?—A. No, sir; I do not.

Q. Nor his business?—A. No, sir.

Q. What time of the day did you go to the poll?—A. Well, it was early in the morning; I guess about nine o'clock.

Q. Didn't they tell you when you went there that there was no registrar there?—A. When I went there, there was a book there for registering; they told me the man was there for the business, so I went in there, but he wouldn't register me at all; told me he wouldn't accept my vote.

Q. What did you tell them when you went in?—A. Told them I would like to get registered; my father went on and told them my age; they told me I couldn't do it.

Q. What year were you born in, Mr. Murray?—A. I was born in 1858.

Q. What month?—A. March.

Q. And you never had registered?—A. Never, sir.

Q. And never had voted in the city?—A. No, sir; never had voted.

5 Q. Your father went with you?—A. Yes, sir.

Q. How long had you been living at 1113 Angelrodt street?—A. Well, I guess about a year and seven or eight months; something like that; not certain, sir, how long; I know it is about that long.

Q. Where did you move from to Angelrodt street?—A. From Buchanan street, one square below. We lived there for a little over a year.

Q. Did your father vote at the last November election on Twelfth and Mallinckrodt streets?—A. Yes, sir; his name was on the poll books.

Q. He voted the Democratic ticket?—A. Yes, sir.

Q. His vote was taken and put in the ballot-box?—A. I think, at least, they did so. I was not there when he voted; he went in the morning, and then went back with me to the same place.

Q. I thought you said he and you went to vote there?—A. Yes, sir; he went with me after he voted; he voted in the morning, and then went back with me; he came back after me, and went with me to the polls after that.

Q. How long did you live at this place on Buchanan street?—A.

Well, about—I couldn't say—about a year and two months or three months, or something like that; I am not certain.

Q. Do you know whether your father voted when you were living there?—A. I don't know, sir; I expect he did; I couldn't say.

Q. You did not vote there?—A. No, sir; I did not.

Q. What is your business, Mr. Murray?—A. Well, at the present I am working in the Mississippi Glass Works; laboring work around.

Q. Where are the Mississippi Glass Works?—A. Their works is on Angelica street below the railroad; I don't know exactly what street it is—Kennet, you can call it; it is in North Saint Louis.

Q. Do you stay there at nights?—A. No, sir; I come home to the place where I live in at nights.

Q. What business were you working at before?—A. In the Eau Claire Lumber Company on Salisbury and Kennet.

Q. You staid there at the lumber yards?—A. Yes, sir; up to about three months ago; then I went to the Mississippi Glass Works.

Q. How is that lumber yard? In the same polling precinct with 1113 Angelrodt street?—A. I don't know.

Q. How far is Twelfth and Mallinckrodt streets?—A. About three squares, sir.

Q. Do you know whether you went to the right polling precinct that day?—A. Yes, sir; that was the right precinct; at least the people from all around there went to that place.

Q. Do you know the number of that precinct?—A. No, sir; I do not. I think that I knowed it, but have forgotten it.

Q. Which side of Angelrodt street do you live on?—A. Well, I live between Klein and Angelrodt; it is a little short square runs there.

Q. Which side of the street?—A. North side of the street.

Signature waived.

JOSEPH FRANZ, being then produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Give your full name to the notary.—Answer. Joseph Franz.

Q. Where do you live?—A. I live on Bellefontaine—it is the north-east corner of Bellefontaine and Pope.

Q. Were you living there on election day?—A. I was.

Q. Did you go to the polls?—A. I went in the evening.

Q. Where were those polls?—A. The polls were in Lowell.

Q. That is the election precinct where you reside?—A. Yes, sir.

Q. Did you offer a ballot?—A. Yes, sir.

Q. What was done with it?—A. Well they said that I couldn't have no other vote but a protested vote; so they took it. I signed my name on it, and where I lived, and they put it on a string; they said it would be sent to Washington.

Q. What sort of a ticket was it?—A. Democratic ticket.

Q. Frost for Congress?—A. Yes, sir.

Q. Had you ever voted before in this city?—A. I have.

Q. And registered before?—A. And registered before; only I was not transferred at that time.

Q. But you had not moved out of your voting precinct?—A. No, sir.

Cross-examination by Mr. POLLARD:

Q. Where did you live, Mr. Franz, before you moved to the place where you now live?—A. I lived on College avenue.

Q. Whereabouts on College avenue?—A. Between Eleventh and Twelfth streets.

Q. Well, that is not in Lowell city?—A. No, sir; that voting place is at Gosling's.

Q. That isn't even in the same ward with the northeast corner of Bellefontaine and Pope?—A. It belongs to the poll in Lowell.

Q. But this other place did not belong to that polling precinct?—A. No, sir; it was not in that precinct.

Q. And you never got any transfer?—A. No.

Q. And that was the reason your name was not there?—A. That is the reason.

Q. Now, did you go to this precinct where your name was on the book and vote?—A. No; I only voted in Lowell a protested vote; I didn't go over there, because I knowed that was not my place to vote in.

Q. That was where you lived when you registered?—A. Yes, sir.

Q. And they told you at the polls that you ought to have gotten your transfer?—A. Yes.

Q. Why didn't you go and get it?—A. I didn't just think about it; I thought I could get transferred at the polls, but they wouldn't do it; I couldn't vote no other way, except a protested vote, so I voted a protested vote.

Q. They told you at the time that they couldn't count your vote, because you hadn't got transferred?—A. Yes, sir; they said so.

Signature waived.

10 AUGUST LAUMAN, being then produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name?—Answer. August Lauman.

Q. How long have you lived in the city of Saint Louis?—A. It was last fall 25 years.

Q. Were you a member of the last board of revision?—A. Yes, sir.

Q. For what ward?—A. Fourth ward.

Q. That is in the third Congressional district?—A. Yes, sir.

Q. Did you attend all of the meetings of the board?—A. No, not every one; I missed a few of them; not very many; I couldn't tell exactly how many.

Q. Did you know many of the members of that board of revision?—A. Not very many, I did not.

Q. Do you know what is the standing of the members in this community; their general standing?—A. I think they were all good men, every one of them; I know they were merchants and big business men, the most of them.

Q. In what way did you cause the revision of your ward to be made; what efforts did you make yourself, and what assistance did you obtain?—A. Well, I tried to get to every family—to every voter—

11 myself, from house to house, except I might find some responsible person that I could believe, that would give me true information; that is the way I instructed this man Burke and McClellan. One was a Democratic party, so he represented to me, and the other one, McClellan, was a man from the Republican party. I had them two men

going with me, step by step, and see what I was doing, and to watch me, and they was satisfied; so was McClellan. He seen that we had 21 districts in the Fourth ward to go over, and that I couldn't do that alone, so I asked Mr. Gonter for assistance. He said he couldn't give me no assistants on account there was no law for that, because it says that only one man was appointed for revising such ward; so I tried to do the best way I could. I thought I had to have assistants myself, and that I could employ my men there to assist in this way, so I had one from each party, so that one could watch the other, for I had the intention to do right and correct as near as possible. The Fourth ward is a very hard ward to canvass.

Q. Then, as I understand you, you took a man that was sent you from the Republican committee?—A. Yes, sir.

Q. And a man sent you from the Democratic committee?—A. Yes, sir.

Q. And you went around with these men yourself for three days?—A. Yes, sir; I went around with them for three days to see if they were performing their work certainly and correct.

Q. And then, after that, you divided the labor, sending a Democrat and a Republican together to make the revision, one to see that the other was fair in the transaction of his business?

—A. That is correct.

Q. Have you any reason to doubt that the work was properly done?—A. I have reason to believe so on account that McClellan was a very good man, and able for this business.

Q. He was a man sent to you from the Republican committee?—A. Yes, sir.

Q. And he was the man you sent to watch Burke, the Democrat?—A. Yes, sir; and he was a man that meant business. McClellan was a man that meant business; and I don't think that either one of them had any chance to commit any fraud, because they were both together.

Q. Mr. McClellan was a Republican, and a careful, cautious, conscientious, industrious man?—A. Yes, sir.

Q. And was sent there to see that the revision in the Fourth ward was properly done?—A. Yes, sir.

Mr. POLLARD. I object to the leading of the witness, and to all of these questions heretofore put, because they have been all statements on the part of the counsel of the contestee, without giving the witness an opportunity to consider of a moment whether they are correct or not, and causing him to assent to each and all.

By Mr. DONOVAN:

Q. Are the statements that you have made correct or incorrect?—A. They are correct.

Q. Is there any one of them that you want to change?—A. What I have made here?

Q. Yes.—A. No, sir; none of them.

Cross-examination by Mr. POLLARD:

Q. Are the statements that Mr. Donovan made correct?—A. Mr. Donovan's statements is correct.

Q. The statements that he has made are correct; you are willing to take his statement as a fact?—A. Yes, sir; just as he stated; because I think that he says what I said.

Q. How many of those revisers did you know personally, Mr. Lau-man?—A. How many members of the board of revisers?

Q. Yes.—A. Well, I knew Mr. Parker. I got to know a good many of them while I was sitting there, and if I could look over a list I could tell you every one of them. I knew Springmeyer; with some of the others I never had any conversation at all whatever.

Q. I mean before you went there, how many did you know personally?—A. Before? I didn't know any of them, I think.

Q. And your acquaintance and what you know about them is as you saw them there in that board?—A. Just as I saw them there in that board.

14 Q. How many canvassers or employes did you have, Mr. Lau-
man?—A. How many I employed for that canvass?

Q. Yes, sir.—A. Only two; that was all I authorized to canvass in the district or precinct.

Q. Two in each precinct?—A. No, sir; two for the whole—what I couldn't do myself.

Q. Did you know Mr. Burke before you sent him out with Mr. McClellan?—A. No, sir; I never knew him before he went with me—along with me.

Q. Who sent him to you?—A. A party from the central committee; a man from the Democratic party.

Q. That is all that you knew about him?—A. That is all that I knew about him.

Q. You gave him the books?—A. I gave him the books for the satisfaction of Mr. McClellan.

Q. And he returned the books to you?—A. He returned the books to me. Besides, I informed them always to stay together, both of them.

Q. Of course, you knew nothing about that; only what they said; you didn't go with them?—A. No, sir; I had no chance to go along with them.

Q. How many precincts did they go into?—A. I can't say exactly; they went into about six or seven.

15 Q. And what report Mr. Burke made to you on those books, that you accepted as your report?—A. Yes, sir; certainly; I took that as correct.

Q. And made that report to the board?—A. Yes, sir.

Q. And the board accepted it and acted upon it?—A. Yes, sir.

Q. Didn't you get two men named Hickey and Doyle to canvass some of the precincts?—A. No, sir; they looked after people, but they didn't have no authority to do anything. I took none of them; I believe I sent Hickey once. If he should meet me on the street to-day I wouldn't know him. Doyle, he was a couple of times there, but he had no authority to do anything.

Q. He was sent to you?—A. No, sir.

Q. But he did bring you reports?—A. No, sir; I didn't take any reports from him. Both Hickey and Doyle were Democrats, so far as I knew.

Q. And they were doing work in the interests of the Democratic city committee?—A. They couldn't work nothing. I didn't take no report of them, whatever they did. They couldn't do nothing in regard to this.

Q. Well, didn't they, to some extent, assist Mr. Burke in his work?—

A. No, sir.

16 Q. Not to your knowledge?—A. No, sir.

Q. But you were not with Burke, you say?—A. Then McClel-

lan ought to know, because I told them both together what they had to do, and to do it together.

Q. And whether they helped Mr. Burke you do not personally know ?

—A. No, sir; I don't think they helped him.

Q. They might have helped him when you were not there?—A. I don't see how they could help him.

Q. You were not with Mr. Burke when he did this work?—A. No.

Q. So if these men came and assisted him, and he didn't say anything to you about it, you wouldn't know it?—A. Yes; but McClellan would know it. I couldn't have known it; no, sir.

Q. McClellan and you are different men; you are a Democrat?—A. That is what they always call me, a Democrat.

Q. What is your business?—A. At the present time a wagon-maker.

Q. How many voters are there in the Fourth ward?—A. You mean how many voters are there in my ward?

Q. Yes.—A. I don't know; I never counted them. I think between four and five thousand; pretty near, something like that.

Q. How many names were stricken off the list by you?—A. I couldn't tell you; I kept no account of them. I just brought in my return, and kept no track of them.

17 Q. About how many?—A. Well, I have no idea; may be there is seven hundred, and there may be over; I couldn't tell you exactly; some districts there were many.

Q. Wasn't there over twelve hundred stricken off in that ward?—A. I couldn't tell you, because I didn't keep no account of them.

Q. That ward is the home of a great many colored men, is it not?—

A. Well, there is parts in it where there is a good many, and there is parts where there is none at all hardly.

Q. Can you give me the boundaries of the Fourth ward?—A. Yes, sir.

Q. Please do so?—A. Wash street, Eleventh street, and Webster street to the levee. Wash street don't go through; it takes Carr street from Broadway.

Q. How far north of Cass avenue is Webster street?—A. How far; how many streets? I have got to count them up. About six streets.

Q. Is it not a matter of fact that that territory covers the residences of more colored people than any other ward in the city?—A. Some parts of it does.

Q. Don't there more colored people live in the Fourth ward than in any other ward in this city?—A. I aint that much posted in the
18 city all over. I couldn't answer that at all. If you have the names on the list I could answer it, of course, but not without.

Q. Are precincts 40, 41, 42, and 43 in your ward?—A. Yes, sir; I believe they are, sir.

Q. And those precincts have a great many colored men in them, have they not?—A. Yes, sir; there is some in them. Some of them have a good many colored men in.

Q. How many times did you attend the meetings of the board of revision?—A. I should think I attended the meetings of the board about seven times.

Q. You attended the last day?—A. I attended the last day; yes, sir.

Q. On that day you presented many more names to be stricken off than on any preceding day?—A. I don't know if I did or not, because I think that I had days when I presented more than on any other as

well as that last day. I reported more names on my other lists than I reported on the last day.

Q. Why do you now remember; what causes you now to believe that you did so?—A. Because I hurried up my report as much as possible; and the last day I had to be at four o'clock at the hall, so I didn't have much time left to make out my reports on the last day. I had to make my reports all finished that day at four o'clock, and that day I think I reported less than on any other day.

19 Q. Then, the next to the last day was the heaviest one?—A.

I don't know; I didn't keep no track at all. You can find that on the reports that I made.

Q. Are you reviser for this election also?—A. No, sir.

Q. Who is the reviser in that ward?—A. I don't know; I couldn't tell; I heard the name once, but I never thought of it afterwards; I didn't care any more about it.

By Mr. DONOVAN:

Q. Mr. Lauman, do you believe that this man Burke, your Democratic assistant, could do any wrong there in that revision when he was being watched by your Republican assistant, Mr. McClellan?

Mr. POLLARD. Now, I object to that question; it is not testimony; and if it was testimony, it would be improper, because it is leading, to ask a man for his belief; that is for the committee; that is the very thing that they are to determine.

WITNESS. I don't think he could.

By Mr. DONOVAN:

Q. Your special instruction to Mr. McClellan was to watch Mr. Burke, and to Mr. Burke to watch Mr. McClellan?—A. Yes, sir.

Q. And there is no way to go back of that?—A. No, sir; no way at all.

Mr. POLLARD. I object to that question, because it is leading, and because the words are put into the witness's mouth in the exact form in which the counsel for the contestee desires him to make his answer.

By Mr. POLLARD:

Q. Mr. Lauman, you don't think that Burke could have done wrong; but now as a matter of fact you don't know whether McClellan was with him, or whether he was doing something else, while Burke was making this report; you were not with them?—A. I can state that much, that they went together and came back together.

Q. And that is all that you can tell of your own knowledge?—A. Of course, what was passing away from there during the daytime I couldn't tell. Burke had the book, and McClellan was along with him; one side was as much privileged as the other; both brought the book back.

Q. Now, the fact is that you gave the book to Burke because he was the Democrat; and Mr. Burke brought the book back, and he had charge of it?—A. Both of them had; McClellan too.

Q. How many books did you have?—A. Twenty-one in all; I handed them to both of them.

Q. Part of them to one and part to the other?—A. No, sir; they got one each time.

Q. Who had the book—who did you look to?—A. McClellan was satisfied that Burke handled the books; Burke took the book and McClellan looked over his fingers, and saw that it was all right.

Q. But Burke did take the book in every instance, didn't he?—

21 A. I don't know if he took it every time; Mr. McClellan had it the same time.

Q. You gave it to Burke every time; you can just answer that?—A. One of them two.

Q. You did give it to Mr. Burke every time?—A. I can't answer that for truth, to take it that way, because they were both together, and it was the same to me who had the book.

Q. You say that Mr. McClellan was satisfied for Mr. Burke to have the book?—A. Yes, sir; he was satisfied.

Q. You wouldn't have said that if McClellan had always gotten the book?—A. Because he thought I would favor more Burke than McClellan; for this reason he said he would be satisfied if I gave the books to Burke.

Q. And you gave them to him?—A. No, sir; I said, "You always have got both to keep together; you can't get no books unless you stay together." That was the instruction.

Q. Did you pay Mr. Burke?—A. No, sir.

Q. Who did pay him?—A. I don't know who paid him.

Q. The Democratic central committee paid him?—A. I don't know; may be they did.

22 Q. You say you suppose they did?—A. Yes; I don't know whether they did or not.

Signature waived.

At this point a recess was taken until 2.15 p. m.

AFTER RECESS.

EDMUND SHOTT, of lawful age, being then produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your name?—Answer. Edmund Shott.

Q. Where do you live?—A. I live on Bellefontaine road, between Bryan avenue and Hall avenue.

Q. Were you living there on election day?—A. Yes, sir.

Q. How long have you lived in Saint Louis?—A. Eight years.

Q. How old are you?—A. I am 27 now.

Q. Where were you born?—A. In France.

Q. When did you come to this country?—A. In 1874.

Q. How old were you when you came to this country?—A. I was nineteen years old.

Q. Did you ever register in this city?—A. Yes, sir.

23 Q. And vote?—A. Yes, sir; I voted before.

Q. Did you register at the city hall?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. In Lowell.

Q. How far from your residence?—A. Five squares.

Q. Did you pass in a ballot?—A. Yes, sir.

Q. What was that ballot?—A. I couldn't tell now.

Q. What kind of a ticket was it?—A. Democratic ticket.

Q. With Frost for Congress?—A. Yes, sir.

Q. What was done with it?—A. I voted under protest.

Q. Did you put your name on the back of your ticket?—A. Yes, sir.

Q. They took it under protest?—A. Yes, sir.

Q. Did they put it in the ballot-box?—A. Yes, sir.

Q. Did they put it in the ballot-box, or did they put it on a string?—

A. They put it near the ballot-box; Louis Huber took charge of it.

Q. Was your name on the list?—A. Yes, sir; my name was on the book.

Q. Then your vote was rejected?—A. No, sir; it was not.

Q. You say your vote was counted?—A. They took it under protest.

Q. Then, do you mean they took it under protest, but that it was put into the ballot-box?—A. That is what they told me; that they would take the ticket under protest.

Q. If they took your ticket under protest did they put it in the ballot-box?—A. I couldn't tell you; I was not there very long; they told me to put my name on the back of it, and that then they would receive it under protest.

Q. And what they did with it you don't know?—A. No, sir; I don't know what they done with it.

Cross-examination by Mr. POLLARD:

Q. You say your name was on the registration list?—A. Yes; I voted there before; I was transferred at the city hall.

Q. When you offered your ticket the judges took your ballot, looked down the list and found your name was there?—A. Yes, sir; only I was not transferred at all.

Q. Transferred from where?—A. From the residence I moved from; I moved about six squares from where I lived before; they wouldn't leave me vote on account of that.

Q. When did you move?—A. I moved this last September.

Q. You moved about six blocks away?—A. Yes, sir; I moved my residence, and they wouldn't leave me vote.

Q. When you did go there they took your vote?—A. Yes, sir; they took it.

Q. And put it in the ballot-box?—A. I couldn't tell whether they put it in the ballot-box or not; they took my vote.

Q. But you handed in your vote, and they took it?—A. Yes, sir; they called me inside of the poll, and I put my name behind the back of the ticket.

Q. Did you vote what is known as the Hancock Independent ticket?—A. No, sir; I didn't vote that ticket.

Q. Did you vote for Hancock for President?—A. No, sir.

Q. Who did you vote for for President?—A. I didn't vote for no one.

Q. Who did you vote for as President?—A. I didn't vote for that; I just voted for Frost.

Q. He was the only one on your ticket?—A. Yes, sir.

Q. Did you scratch off the other names on your ticket?—A. No, sir; I just voted the straight ticket.

Q. And only voted for Frost?—A. Yes, sir; that is all I voted.

Q. Did you write out your ticket yourself?—A. Yes, sir.

Q. For what office did you vote for Mr. Frost?—A. Well, the Democratic ticket; that is all I voted.

Q. Well, did you vote for Mr. Frost for governor?—A. For Congress, that is all I voted for.

By Mr. DONOVAN:

Q. When you moved, did you or did you not move out of the same voting precinct?—A. I didn't move at all; I was now here in Saint Louis about seven years.

Q. Did you or did you not move out of the same voting precinct?—
A. No, sir; I did not.

Q. Well, now, what are we to understand from you; did you or did you not have a straight Democratic ticket?—A. I voted the straight Democratic ticket.

Q. You don't mean to say that you wrote every name that you voted for?—A. No, sir; I didn't write no name; but I voted the straight ticket; the straight Democratic ticket; that is all I voted.

Q. Hancock for President?—A. Yes, sir.

Q. English for Vice-President?—A. Yes, sir.

27 Q. Thomas T. Crittenden for governor of Missouri?—A. Yes, sir.

Q. And Frost for Congress?—A. Yes, sir.

Q. And you didn't write any name on your ticket, except your own name on the back of it?—A. Yes, sir.

Q. And your vote was received under protest?—A. Yes, sir.

Q. And you didn't move out of the voting precinct?—A. That is all.

By Mr. POLLARD:

Q. Do you know the boundaries of that precinct, Mr. Shott?—A. No, sir.

Q. You do not?—A. No, sir.

Q. Then you can't tell, of your own knowledge, whether in moving you moved across the line which bounds the precinct or not; you can't tell me that if you don't know the boundaries of that precinct?—A. I just moved my residence in the same ward, in September.

Q. I asked you, and you said that you didn't know the boundaries of your precinct; if this be so, then you can't tell, of your own knowledge, whether you moved out of the precinct or not?—A. I don't know anything at all about that.

Q. I thought not. Now, you say that you wrote on your ticket?—A. I wrote my name on the back, on my ticket; that is all I done with it.

28 Q. But I understood you to say that you only voted for Mr.

Frost?—A. I voted the straight Democratic ticket, and I never looked who was on the ticket.

Q. Did you read your ticket at all?—A. Yes, sir, I did; only I didn't take no attention to it. I just voted the Democratic ticket, and voted for Frost; I don't know who all was on it.

Q. But Frost's name was on that ticket for governor?—A. Yes, sir; I am sure of that.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Tuesday, March 29, 1881, then to be continued at the same place, at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 39.

Pursuant to adjournment, as above stated, on the 29th day of March, 1881, at the hour of ten o'clock in the forenoon, I continued the further taking of these depositions as follows:

1 JAMES E. YEATMAN, being produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name?—Answer. James E. Yeatman.

Q. Where were you living, Mr. Yeatman, a month previous to the last election; the election of November 2?—A. I was living at Mrs. Allen's, my sister's house; up near Grand avenue, between Eleventh and Bellefontaine road; just south of Grand avenue.

Q. Where were you stopping, November the second, here in the city?—A. I have my winter rooms at No. 2314 Pine street.

Q. That is in the second Congressional district?—A. As to that I don't know, sir.

Q. Well, that is south of Wash street?—A. Yes, sir.

Mr. POLLARD. It is admitted that 2314 Pine street is in the second Congressional district.

By Mr. DONOVAN:

Q. Now, how long were you living there just prior to the election of November the 2d last?—A. Well, sir, I don't know that I was living there—that is, living at 2314 Pine street.

Q. What were you doing there?—A. Well, sir, my rooms were taken from the first; sometimes I did not go to them until late in the month; my son sometimes would be up with Mrs. Allen's, and sometimes I would be up with Mrs. Allen's.

2 Q. You took rooms at 2314 Pine?—A. I have from the first of November; but that I am not confident about.

Q. Was it the first of November or the first of September?—A. First of November.

Q. You took rooms in the second Congressional district previous to the day of election?—A. I think I did; but I am not confident about that.

Q. Have you a suite of rooms fixed up there?—A. No, sir; I just rent rooms.

Q. You rent rooms?—A. I rent rooms.

Q. And live there?—A. I sleep there; but my home is up on Grand avenue, at Mrs. Allen's, and has been for twenty odd years.

Q. Are you at 2314 Pine street now?—A. Yes, sir.

Q. And you have been living there since the first of November last?—A. Some time in November; I don't recollect the date.

Q. Were you not living at 2314 Pine street on the day of election?—A. That I am not confident about; I should rather think not; I consider my home in the upper part of the city, at Mrs. Allen's; I have always considered that my home; have registered from there,
3 and in the directory I have always given that as my home, as my place of residence.

Q. Mr. Yeatman, we would prefer you to state the facts rather than take your judgment upon them.—A. Well, then, I really can't tell you what day I was down in the city; I have not entirely given up my

home at Mrs. Allen's for the winter then ; I was there for some little time afterwards.

Q. On election day you went up from the second Congressional district into the third Congressional district, because you wanted to vote from the place where you had registered in the third Congressional district ?—A. I never registered in the second Congressional district at all ; I never had registered there.

Q. But your ballot was cast from where you had registered in the third Congressional district ?—A. Yes, sir ; my ballot was cast from the corner of Grand avenue and Thirteenth street.

Q. So then, you went from 2314 Pine street up to that place in the third Congressional district, from where you had registered, did you ? —A. Yes, sir.

Q. Now, for whom did you vote for Congress ?—A. I voted for Mr. Sessinghaus.

Q. Did you think that you had a right to cast a ballot up in the third Congressional district ?—A. I did ; or else I wouldn't have cast it.

Q. I have selected you for this inquiry because you are an old and prominent citizen here and——A. I wouldn't have voted there unless I felt that I had no right to vote anywhere else. When my son told me that he had registered me from there I told him that he had no authority to do so ; I considered that I had no home other than up there, so I went up there and voted.

Q. Where did he register you from ?—A. No. 2314 Pine street.

Q. So you were registered both in the second and the third Congressional districts ?—A. I registered only in the third Congressional district.

Q. But you were also registered in the second district ?—A. My son registered me there, but when he told me, I spoke to Mr. Orrick in regard to it, and he said there would be no trouble ; all that I would have to do would be to state that I had resided there, state this at the polls, and so correct my registration there at that time.

Q. So, then, you had two places of residence, and two different registrations in two different districts on the same day, and you selected the one to vote from and went there ?—A. I selected the one that I conceived I had a right to vote from ; and I didn't consider that I had a right to vote from anywheres else.

Q. But your sleeping place was at 2314 Pine street ?—A. I have not been in the habit of considering that my sleeping place. I have my rooms in the northern part of the city to-day ; my household furniture and everything else is there. That is my home.

Q. Then you did not vote in the second Congressional district that day ?—A. No, sir ; I could have voted either in the second or the third Congressional district ; but I didn't conceive that I had a right to vote anywheres else than in the third ; it was entirely unauthorized to register me in the second Congressional district.

Cross-examination by Mr. POLLARD :

Q. You didn't take up your rooms, that is, you didn't occupy them as sleeping rooms until after the election, you think ?—A. Well, sir, I think not ; that is, I occupied rooms there after the first ; I know that.

Q. You mean up above there in the third Congressional district ?—A. Yes, sir. In the third Congressional district. Yes, sir ; I had rented—I had taken rooms from the first day of November.

Q. The election, however, came on the 2d day of November.—A. Yes,

sir; yes, sir; but I had staid some little time in the upper part of the city.

Q. Undoubtedly more than one day?—A. Yes; a number of days; of that I am confident.

Q. Then, as a matter of fact, you didn't occupy these rooms on the second day of November, at the time of the election?—A. I had them rented, and I did sleep in them once or twice a week, if it would suit me to attend a lecture; I and my son would go and stay with my sister, Mrs. Allen; and I considered that my home.

Q. But until some days after the election you didn't make your
6 permanent sleeping abode in the second Congressional district?—

A. I slept for ten or fifteen days, I am confident, at Mrs. Allen's after I rented those rooms; but I had to make acknowledgment for the rooms from a fixed date, from the first of November; and if a lecture or anything of the kind took place I could stay down town; we had double rooms. My son would go and stay at my sister's when I was away, and *vice versa*; but I staid there after the first of the month.

Q. And when your son registered you from the second Congressional district he had no right to do so?—A. I don't remember that I staid down town more than one night until after the election, some time after the election; the night of the election I was staying at my sister's house.

Q. In the third Congressional district?—A. Yes, sir, the night of the election.

Q. Now, your son, you say, had no authority to register you from that place, 2314 Pine street?—A. None whatever; when he told me that I told him that he was not authorized to do that.

Q. How long have you been living in the upper part of the city, in the third Congressional district?—A. Since March, 1843, sir.

Q. What is your business?—A. I am president of the Merchants' National Bank, sir.

Q. How long have you resided here?—A. Since '42.

Q. You have been registered in the third Congressional dis-
7 trict for years?—A. I have, sir.

Q. And always voted up there?—A. Always voted there.

Q. And you never did vote in the second Congressional district?—A. I voted further down town at different points; but for a long time I have always voted there at the same place; I never voted out of that ward.

Signature waived.

JOHN MEYER, produced, sworn, and examined on the part of the contestee, deposeeth as follows, to wit:

By Mr. DONOVAN:

Question. Give the notary your full name.—Answer. John Meyer.

Q. Mr. Meyer, where do you reside?—A. Carrie and Hall's Ferry road.

Q. Do you recollect what election precinct that is in?—A. 219, I guess.

Q. How long have you been living in that election precinct?—A. Since I am born; thirty-one years.

Q. Is that right?—A. Yes, sir; that is right. I never was out of there yet.

Q. Have you voted at previous elections?—A. Yes, sir.

- Q. Have you been registered?—A. Yes, sir.
- 8 Q. What has been your politics all your life?—A. I have been a Democrat all my life, sir.
- Q. Did you go to the polls on election day?—A. Yes, sir.
- Q. Where were those polls?—A. Hepp's Hall, Lowell.
- Q. Did you offer your ballot?—A. I did.
- Q. What did the judges say about it?—A. They wouldn't take it; that's all.
- Q. What did they say about it?—A. That I had moved out of my residence and changed it; moved away from my place where I used to live.
- Q. Had you ever moved out of the election precinct?—A. No, sir.
- Q. What did they do with your ticket?—A. Well, I come back afterwards, and they voted me under protest.
- Q. Did you write your name on the back of your ticket?—A. I couldn't tell you that.
- Q. Did they put it in the ballot-box?—A. No, sir.
- Q. Where did they put it; on a table or on a string?—A. On the string, I think.
- Q. As a protested vote?—A. Yes, sir.
- Q. And you say you have been a Democrat, and have been living in the same election precinct for 31 years?—A. Yes, sir.
- 9 Q. What was your ballot?—A. I forgot.
- Q. Was it a Democratic or a Republican ticket?—A. Democratic.
- Q. Was Frost on it for Congress?—A. Yes, sir.

Cross-examination by Mr. POLLARD:

- Q. Mr. Meyer, where did you live before you moved to the place where you now live?—A. I lived on Withers avenue, between Third and Fourth.
- Q. How far is that from where you now live?—A. Six blocks.
- Q. Where did you live on election day?—A. Carrie avenue.
- Q. Where you now live?—A. Yes, sir.
- Q. You moved six blocks some little time before the election?—A. Yes, sir.
- Q. And how long before the election?—A. About nine months.
- Q. And you never got any transfer?—A. No, sir; it was the central committeeman's fault; he said he had my name transferred, and it was a mistake; that is all I know about it.
- 10 Q. There was no transfer whatever?—A. No, sir.
- Q. You don't know the boundaries of the precinct up there?—A. Yes, sir; it runs on till out to the Six-mile House.
- Q. Now, you say that you know the boundaries of that precinct?—A. And then it is on the other side of Harlem House creek.
- Q. I wish you would give me the boundaries of the precinct, if you know them?—A. I couldn't tell that; I know just the one I am living in; that's all.
- Q. The one precinct, you mean?—A. Yes, sir.
- Q. That is what I want, the boundaries of that precinct?—A. Well, it goes out to Harlem House creek; back up there.
- Q. You can't give us, then, the boundaries of that precinct?—A. No; I live six blocks away from the polls; now you can take your own judgment about it.
- Q. How far did you live from the polls before you moved?—A. About half a block; between Third and Fourth; that is middle of the block; the polls is on what they call Fifth street.

Q. Which side of the polls do you now live on?—A. On the river side.

Q. The east side?—A. The east side; yes, sir.

Q. Which side of the polls did you live on before you moved?—A. The same side; the east side.

Q. Then you moved some six or seven blocks further away from
11 the polls?—A. Just further out; that's all.

Q. Now, there was another polling precinct near there where you lived?—A. That is on College Hill and Hall.

Q. How far is that from where you live?—A. I couldn't tell that; I never been there that I know of.

Q. It is not more than three or four blocks from where you live?—A. I know it is on College Hill.

Q. How many blocks from where you live?—A. I don't know, to tell you the truth; I don't know where the polls is; only I heard it is up there.

Q. But on College Hill is only three or four blocks from where you live; is it not?—A. From where I live?

Q. Yes, sir.—A. No; College Hill is right on the other side of the polls; that is about six or seven blocks from where I live.

Q. Now, isn't it a matter of fact that from where you lived you ought to have gone to College Hill to vote?—A. Me?

Q. Yes.—A. Oh, no; no, sir.

Q. It is quite as near?—A. Because on the other side has got to go to the other places to vote.

12 Q. It is quite as near to where you live as the polls where you did go to?—A. You can't vote on the other side of the street.

Q. You say they do not; but that is just as near to where you live as the polls where you did vote?—A. No; that is on College Hill, or whatever they call it; I don't belong there.

Q. How far do you live from Overbeck's store?—A. I live a mile and a quarter, or a mile and a half this way, I think.

Q. Which way is this way—south?—A. South; yes, sir.

Q. Where did you get your ticket that you voted that day?—A. I got it at the polls.

Q. Did you read it through?—A. Oh, yes.

Q. From beginning to end?—A. Yes, sir.

Q. And that was what was known as Hancock independent ticket?—A. How was that?

Q. Was that what was known as a Hancock independent ticket?—

A. It was a Hancock ticket; I voted the straight ticket; I didn't care much about it.

Q. It was what was called a Hancock independent ticket, was it not?—A. Yes, sir.

Q. Well, after they looked down the paper and couldn't find your
13 name there, they told you that you couldn't vote there?—A. If I aint mistaken they found my name there in the poll book.

Q. But they didn't find it on the book where it ought to have been?—A. No, sir.

Q. And they told you, consequently, that you couldn't vote?—A. Yes.

Q. But afterwards you went back again?—A. Yes.

Q. And they told you you could vote?—A. Yes, sir.

Q. And you handed in your vote and they took it?—A. Yes; under protest.

Q. And they put it in the ballot-box and it was counted?—A. Not that I know of; I don't know whether it was counted or not; they had

me in the back of the room ; they had me bothered so, I didn't mind it very much.

Q. But you know that they took your vote under protest, as you say ?
—A. Yes ; what they done with it I don't know ; I can't tell whether they put it on the string or not.

Q. Did you see whether they put it in the box or not ?—A. I don't remember.

Q. And when you went to the south of where you live you thought that was all right ?—A. I couldn't tell you that.

Q. Didn't you register there that day ?—A. I think I did.

Q. You held up your hand and swore ?—A. Yes ; if I aint mistaken ; I went back in a little place.

Q. And you believed then, and you still believe, that they took your vote, and put your vote in the box ?—A. I say I don't know that ; they told me they would let me vote under protest ; that is all I know about it.

Q. What place did you vote for Mr. Frost for, if you voted for him at all ?—A. I didn't worry about this at all ; I can make a living any way.

14 Q. But what place did you vote for Mr. Frost for ?—A. I think he is a better man than Sessinghaus ; I think he has got more education ; can make a better speech.

Q. What place did you vote for for him ?—A. For Congress.

Q. You did vote for Mr. Frost, you think ?—A. I think I did ; I think he is a very reliable man.

Q. You know him personally ?—A. I do not ; I couldn't know him to-day if I was to see him.

Q. But whether or not your vote was put into the ballot-box you don't know ?—A. I don't know nothing about it, because they made me half scared to stay there.

Q. And the truth was that you had moved and hadn't got any transfer, and your name was not on the books ?—A. Yes, sir ; that is right.

Q. And you really don't know the boundaries of your precinct there, other than as you have stated ?—A. I live in the boundaries, I know, because the boundaries goes out for six or seven blocks.

Q. But you don't know the boundaries, you tell me ?—A. I told you I lived in the boundaries.

Q. What is the boundary ? Please tell me.—A. Precinct 219.

Q. What boundaries has it ? What streets is it bounded by ?—A. I live on Carrie avenue and Hall's Ferry road.

Q. What streets bound that precinct, if you know ?—A. Bellefontaine street.

Q. That is one ; which side of the precinct is Bellefontaine
15 street on ?—A. The east side.

Q. What bounds the precinct on the west ?—A. That is Bellefontaine road on the west side.

Q. The eastern side is Bellefontaine street ; the western side is Bellefontaine road ; now, what is on the north ?—A. I live south of Carrie avenue.

Q. What street bounds this precinct on the north ?—A. Well, Carrie avenue on the north.

Q. What street bounds it on the south ?—A. Carrie avenue, too ; aint it ?

Q. On which side of Carrie avenue do you live ?—A. South side of Carrie avenue.

Q. And you think that Carrie avenue bounds this precinct on the south?—A. Yes, sir.

By Mr. DONOVAN:

Q. That precinct is a large one, and is in the suburbs?—A. Yes, sir.

Q. And the northern boundary line of that precinct is away beyond your house; is it, or is it not?

Mr. POLLARD. We object to that because it is leading; and the counsel for the contestee has been already once over this matter, and we don't think he has any right to go into it again.

By Mr. DONOVAN:

Q. How far to the north of you is Harlem Creek?—A. It is about one block.

16 Q. And you live this side of Harlem Creek?—A. I live on this side of Harlem Creek; this side of Carrie avenue.

Q. And that is where the boundary line runs through?—A. Yes, sir; I always heard so; that is all I know about it; I aint sure about that neither. If I had known that there was going to be such a tussle about these things I would have inquired about the boundaries of these things.

Q. But you are satisfied that you have lived in the same voting precinct for 31 years; have always been a Democrat; always voted in that same precinct, and yet were denied at the last election the privilege of voting, except under protest?

Mr. POLLARD. I object to that, and the counsel for the contestee well knows that it is the worst kind of leading testimony, and compels me to recross-examine the witness again at length.

Mr. DONOVAN. These questions are put into this shape to cut the whole matter short. Is what I have stated a fact or not?

A. I never voted anywhere else.

By Mr. POLLARD:

Q. How many times did you ever vote there?—A. Whenever there was a primary election, or anything of that kind, I voted, and a good many elections.

Q. At a primary election is where they nominate candidates?—A. Yes, sir.

Q. And that is just where you voted?—A. Yes, sir.

17 Q. Now, it is a matter of fact that at a primary election they put two or three precincts into one, don't they?—A. That is what I don't know.

Q. Now, let me see if I understand you properly in regard to the boundaries of that precinct; you say your precinct is bounded on the east by Bellefontaine street; on the west by Bellefontaine road, and upon the north and on the south by Carrie avenue; is that right?—A. I just want to tell the truth.

Q. Is that the correct boundary of your precinct, as you understand it?—A. How was that?

Q. On the east by Bellefontaine street; on the west by Bellefontaine road; on the north and on the south by Carrie avenue.—A. That is correct, I think.

By Mr. DONOVAN:

Q. Why do you let this gentleman mix you up so? He has got the southern and the northern boundary one street; Carrie avenue bounds this precinct on one side?—A. Yes, sir.

Q. Now, aint it got some other boundary on the other side?—A. I don't know that.

Q. Do you mean to say that it is bounded on the north by Carrie avenue, and also on the south by that same street? You don't pay attention to his questions, and he persistently seeks to mix you up by telling you that Carrie avenue bounds opposite sides of your precinct.

Mr. POLLARD. I object to that, because the counsel for the contestee misstates the fact which I did state. My questions to witness were distinctly stated, and he deliberated on the same before he answered them. His answers were always given after mature deliberation.

Mr. DONOVAN. The counsel for the contestant seeks to make a fool of me by stating that the northern and southern boundary is Carrie avenue, when such could not be case; how far is the northern boundary from the southern boundary?—A. Well, I don't know that.

Q. About how far?—A. The northern boundary is about a block on the other side of Carrie avenue.

Q. You are now talking of where you live; I mean how far is the northern boundary from the southern boundary; how far is the northern or southern boundary from Carrie avenue; how far does it run?—I couldn't tell you.

Q. Is that precinct only a block wide?—A. No; it runs on the other side.

Q. How many miles is that?—A. Well, about a quarter of a mile, or half a mile, or something like that.

Q. Then Carrie don't bound it on the north and on the south at the same time?—A. No, sir.

Q. And you don't mean in your answers heretofore given as saying any such thing?—A. No, sir.

Q. Well, the northern and southern boundary is about a quarter of a mile from Carrie avenue?—A. Yes, sir.

Q. Carrie avenue only bounds it on one side?—A. Yes, sir; that all.

Q. And you don't mean to say that you only voted at primary elections up there?—A. No, sir; I voted at every election.

Q. Primary and every other kind of elections?—A. Yes, sir.

By Mr. POLLARD:

Q. Now, you want to say that Carrie avenue bounds this precinct on the south?—A. South.

Q. Carrie avenue bounds this precinct on the south, does it?—A. Yes; I live south of Carrie avenue.

Q. What I want to know is whether Carrie avenue bounds this precinct on the south?—A. It is between Carrie avenue—no, it is on the other side of Carrie avenue; it is south of Carrie avenue.

Q. What is the ferry up there; Hall's ferry?—A. Hall's ferry road; comes from the Six-mile House?—A. Is that the northern boundary?—A. I don't know.

Q. What is the southern boundary?—A. It is north and south; that the way it is out there.

Q. What is the southern boundary of that precinct; do you know?—A. The southern boundary? Well, I told you that I lived in the 219th precinct.

Q. And the southern boundary is Carrie avenue; is it, or is it not?—Yes, I live on the southern side.

Signature waived.

O. M. HAYS, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What precinct did you live in on election day?—Answer. No. 219.

Q. How long had you been living in that precinct?—A. It will be four years this coming November.

Q. Had you registered and voted in that precinct before this last election in November?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir; I did.

Q. Where were those polls?—A. At Mr. Hepp's.

Q. How close to your house?—A. It is about two blocks and a half.

Q. Did you find your name on the polling sheets when you went there?—A. I did not.

Q. It was scratched off?—A. Yes, sir.

Q. Did you present a ticket?—A. I did.

Q. What sort of a ticket was it; Republican or Democratic?—A. It was a Democratic ticket.

Q. With Frost for Congress?—A. Yes, sir.

Q. What was done with that ticket?—A. I went and tendered my ticket; the judges told me that my name was not on the list; says I, "How does this come? I voted at the primary election, and it was all right?" One of the judges of the primary election stood near by, "Well," says he, "we can't help it; we can't take your vote." A friend of mine stepped up and says, "We want this man registered." The judges says, "We can't do it." So I goes off. About fifteen or twenty minutes after this comes Mr. Kennedy—he comes to me and says, "We will go in and see what we can do with this thing." So I went in again the back way and came into the polling room, and my friend asked Mr. Nolte, one of the judges, if this man couldn't register. Says he, "No, I have no authority to register him." "Well," says my friend, "we want him to vote under protest;" well, they rather objected to it at first, but finally I voted under protest. I had to certify my name and residence on the back of my ticket, and myself handed it to Louis Huber, who was one of the clerks, and he placed it on the string; he did not put it in the box; I staid as long in there as I could, and I saw it go on the string.

Q. Well, how was it that your name was off the registration sheets there?—A. Well, that is hard for me to tell why it was left off; I voted at the primary election and thought that all would be right at the time of the election; I had no apprehension of any difficulty at all; I walked up to the window, handed in my ballot as usual; they called for my name; they run over the list, and saw that it was not there, and therefore they objected to my vote; as I stated before, I voted under protest.

Q. Who had caused it to be scratched off?—A. Who caused my name to be scratched off? That is hard for me to tell.

Q. You had moved, but closer to the polls, I believe you informed me?—A. Yes, sir; closer to the polls.

Q. How many blocks nearer to the polls than where you were living before?—A. About four blocks nearer to the polls.

Q. That is where you had been living before when your name was on the registration sheets?—A. Yes, sir.

Cross-examination by Mr. POLLARD:

Q. When did you move, Mr. Hays?—A. I have been living where I

am now living for nearly sixteen or eighteen months; a year and a half.

Q. You moved, then, somewhere in the neighborhood of a year before the election?—A. Near that time.

Q. And you did not get a transfer?—A. I did not.

Q. Where did you live before you moved to the place where you now live?—A. I lived on the northeast corner—I think it is—of Fifth and Holly avenue.

Q. How long had you lived there?—A. I registered from that place—it will be four years this coming last of October or first of November, or thereabouts; I have never voted no other place since I was in Saint Louis; it will be four years this coming July since I came to the city, and I have voted no place, except at that polling precinct; it will be four years this coming fall since I first registered in this city.

Q. But you never did get any transfer from that place to where you now live?—A. No, sir; I did not.

Q. You say you voted at a primary; what is a primary election?—A. As I understand it it is to elect delegates to attend the conventions for various purposes; I had also voted at other elections there.

Q. Since you had moved?

22 WITNESS. To where?

COUNSEL. To where you now live.

A. No, sir; no, sir.

Q. You never, then, had voted since you moved to where you now live except at this primary?—A. Yes, sir; yes, sir; as I stated before, I voted last fall.

Q. I mean prior to this last fall; before this last fall?—A. Not where I now live; but I voted last fall where I now live, but under protest.

Q. But before that you had only voted at a primary election since you had moved to the place where you now live?—A. Oh, no, sir; I have attended all the elections.

Q. What I want to know is this: how many times have you voted since you have moved to the place where you now live?—A. Just the once, and that was last fall.

Q. And one primary; didn't you vote at a primary?—A. I voted at the primary; and then I voted at the Presidential election, and voted under protest.

Q. And this primary was for the election of delegates to a convention; it was a kind of nominating convention, was it not?—A. Such as we had yesterday; yes, sir.

Q. But only Democrats attended that primary?—A. No, sir; they did not.

Q. But the rule is, as I understand it, that only those who belong to one party go to a primary?—A. Of course that is the understanding of each party; but I have seen both parties present at a primary.

Q. In other words, it is not what is known as legal election?—A. It is not what is known as a general election.

Q. You don't elect officers there to serve the city, country, or State?—A. No, sir.

Q. You simply nominate officers?—A. Yes, sir.

Q. And they refused to register you at the polls?—A. At the primary?

Q. No, no; at the last election in November?—A. Yes, sir; they refused to register me there.

Q. Did they register anybody there?—A. Not while I was present.

Q. Were you there when Mr. John Meyer was there?—A. No, sir; I was not.

Q. And they stated to you that they could not register you at the polls?—A. Yes, sir; they said they couldn't.

Q. What time of day were you there?—A. About 3 o'clock in the afternoon.

Q. What is your business, Mr. Hays?—A. I am a laborer; a common laborer.

Q. Do you know who the reviser of that ward is or was? Now, if you don't know what the reviser is, I will tell you, because I don't want
23 to mislead you; the reviser is an officer appointed by the mayor, whose business it is to go around a few days before the election and ascertain whether the parties on his list live at the places designated on that list?—A. Well, his name is—I am not able to call it now.

Q. Mr. Hornsby, isn't it?—A. He was not at my house at all.

Q. You don't know whether it is Mr. Hornsby or not?—A. I can't call his name; I don't know that I ever heard it.

Q. He is a Democrat, isn't he?—A. I couldn't tell that either.

Q. What ward do you live in?—A. Twenty-third ward.

Q. Do you say that he never called at your house?—A. No, sir; I never saw a man on that business at all.

Q. Are you at home all day?—A. No, sir; not at all; I eat my three meals there every day; I am working only three blocks from home.

Q. And no man ever did try to see whether you were or were not properly registered?—A. No, sir.

Q. Then the reviser, whoever he was, failed to do his duty in that regard?—A. I think so.

Q. And your name was stricken off the lists by somebody, was it?—A. I suppose so; I then inquired if the reviser went to the place where I had moved from, on Fifth and Holly avenue, and if he inquired where I was at. I said that nobody hadn't come to my house. I was told that a man had gone there; but who he was, or what he is called I am not able to say; nor do I know whether he was ever at my old residence.

Signature waived.

CASPAR BRINKMAN, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name, please?—Answer. Caspar Brinkman.

Q. What ward do you live in?—A. Twenty-third ward.

Q. How long have you lived in that ward?—A. About fifteen years.

Q. What are your politics?—A. What is it?

Q. What are your politics?—A. I don't understand what you mean.

Q. Are you a Democrat or a Republican?—A. I am a Democrat.

Q. What election precinct do you live in?—A. I believe the 219th.

24 Q. How long have you lived in that precinct?—A. Just the same as I have been living in the ward, sir, fifteen years.

Q. Have you registered and voted at previous elections?—A. It is between Talcott avenue and Hall avenue—Bellefontaine road, whatever you call it.

Q. Was your name on the registration list at the polls?—A. Yes, sir.

Q. Did you offer your ballot—your ticket?—A. Yes.

Q. Was it taken?—A. No.

Q. If your name was on the registration list why was your ticket not taken?—A. Well, there is Mr. Nolte and Mr. Shubert, they both object to my vote; they challenged me, because I had a kind of bet up a day or two before the election.

Q. Who was Nolte; was he an officer at the polls?—A. Yes, sir; he was a judge.

Q. Republican judge at the poll?—A. Yes, sir; Republican judge at that poll.

Q. What was the character of your bet?—A. Well, it was a dollar bet against five.

Q. Who held the stakes?—A. Mr. Nolte.

Q. The Republican judge held the stakes?—A. Yes, sir.

Q. And that was the same judge that challenged you?—A. Yes, sir; that was one of the men that challenged my vote, when I came up to the polls.

Q. He was stake-holder, and was one of the judges?—A. He was the head man there; yes, sir.

Q. Was it a trick put up on you by him so that you could not vote at that election?—A. I was pretty full at the time I bet it; I was half drunk; I was in the store there when a farmer says, "I bet you five dollars to one on the election;" Nolte says, "I will hold the stakes;" I says, "I will take that bet;" so Nolte took the money—took my money and the farmer's five dollars and put it in his pocket.

Q. And that was the only reason that he objected to your vote?—A. That was the only reason him and Shubert objected to my vote.

Q. Who did you vote for for Congress?—A. Frost; that is the only cause they got against me; they couldn't take my vote away only for that; they wouldn't put it in the box.

Q. Do you know whether or not Nolte did that on purpose to enable him to challenge your vote when you came to the polls?—A. He did.

Mr. POLLARD. I object to that as leading; and also for this further reason: that the counsel for the contestee is endeavoring to make the witness state a fact which he cannot possibly know; now I want to know if the witness can possibly state that as a fact; what Mr. Nolte's purpose was.

A. I know what I know; yes; I know that he objected to my vote because he was not a Democrat; that is what he did know; that is the only reason; he had no other reason, except on that account; because I am a Democrat and he is a Republican.

By Mr. DONOVAN:

Q. What was the name of the man that you bet with?—A. I couldn't tell you; he was out in the country.

Q. Do you know whether he voted the Republican ticket or not?—A. Yes, sir; he is a Republican; he voted the Republican ticket.

Cross-examination by Mr. POLLARD:

Q. Mr. Brinkman, you don't know this farmer's name?—A. No.

Q. And you don't know where he lives?—A. No, I don't know where he lives, except that it is out in the country.

Q. And you were not present when he voted?—A. No.

Q. Then you don't know; you only guess that he voted the Republican ticket?—A. I am sure he voted.

Q. How do you know that? How can you come here and swear to that if you didn't see him vote?—A. Nobody up there would object to

his vote; if I was a Republican Mr. Nolte would never have objected to my vote at all.

Q. Now, I want to know if you were present and saw this man vote?

—A. No; I didn't see this man vote.

Q. Then you only guess that the man voted?—A. Yes.

Q. What did you bet?—A. One dollar against five.

Q. What on?—A. I bet on Hancock and on Frost; I bet on the Democratic ticket; Hancock and Frost.

Q. And they were candidates who were running at that election?—

A. Yes, sir; they was candidates at that time.

Q. Whereabouts do you live now?—A. On O'Fallon avenue and River; that is about as near as I can guess to it.

Q. How long have you lived there?—A. Two years.

Q. Where had you lived before you moved there?—A. On Bellefontaine road, between Talcott avenue and O'Fallon avenue.

Q. How far apart are those two places?—A. About the middle of the block—you mean how far apart? Very near a mile.

26 Q. Did you get any transfer from one place to the other?—A. Yes, sir.

Q. When?—A. Last summer some time; two years ago, at the city hall; you can see it in the books.

Q. About two years ago?—A. Yes, sir.

Q. That was after you moved down to where you live now?—A. Yes; that was after I moved down there.

Q. You went to the city hall and got a transfer?—A. Yes, sir; I went down to the city hall and got a transfer over there.

Q. Well, was your name on the poll book when you went to vote last November?—A. Yes.

Q. Did you see it?—A. No, they didn't show it to me; they didn't show it at all to nobody, I don't think; but it must be there, because it has been there for the last three or four times since the President's elections was.

Q. Notwithstanding the fact that you moved about a mile within two years?—A. Yes, sir.

By Mr. DONOVAN:

Q. Your name was all proper on the registration sheets?—A. It was.

Q. And the only reason why you were not permitted to vote was because the judge who held the stakes in his own hand challenged your vote?—A. Yes, sir; that is the only reason why he challenged me.

Q. He was pious enough to hold the stakes that had been bet?—A. Yes, sir.

Q. And equally pious to challenge your vote?—A. Yes, sir.

Q. Because you had made a bet and he was the stake holder?—A. Yes, sir; he was the stake-holder; he took the money right there and counted it and put it in his pocket; that was at the store.

By Mr. POLLARD:

Q. And the other judges that were there concurred in his action?—A. No, they didn't have anything to do with it.

Q. They didn't any of them say, that, notwithstanding the bet, you could vote?—A. Some of them said I could, and some said I couldn't.

Q. And you didn't vote?—A. No, they didn't take my vote.

Q. And when Mr. Donovan speaks about Mr. Nolte's piety, what do you know about it? Is he a member of any church to your knowledge?—A. Not as I know about it.

Q. You know nothing about his piety?—A. No, sir.

Q. And notwithstanding the fact that you had moved over a mile—

27 WITNESS. Not over a mile.

Q. How far then?—A. It is not hardly a mile; about three-quarters of a mile or a little further; it aint over a mile.

Q. Notwithstanding the fact that you had moved about a mile your name was on the precinct book there at 219, and had been there for several years, and you had moved within the year?—A. Not within the year; within two years; it was two years ago that I moved.

Q. And it had been there three or four years—your name had—on that book?—A. And ten or fifteen years; yes, sir.

Q. But you didn't see the name there that day—last November?—A. No, sir; because I didn't have no right to go inside at all.

Q. And when you say that it was there, you simply suppose that it was there?—A. I know it was there; I didn't see it that day; I saw it at other times when I wanted to see it.

Q. How long before that?—A. I couldn't tell you exactly.

Q. You hadn't seen it since the election before that?—A. I seen the name there yesterday again.

Q. Yesterday?—A. They let me vote at the primary election.

Q. Yesterday; that was a primary election?—A. It must have been there two years ago; I was there about fifteen years already; the name was there last fall.

Q. You didn't see it there for the last fifteen years—A. Yes, sir; I did.

Q. How long since you saw it there before the last election?—A. I couldn't tell you; that would be about six or seven years ago that I seen my name there before.

By Mr. DONOVAN:

Q. You got your transfer all right?—A. I did; I went to the city hall and got it.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Wednesday, March 30, 1881, then to be continued at the same place at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public City and County of Saint Louis, Mo.

Term expires March 13, 1882.



No. 40.

Pursuant to adjournment, as above stated, on the 30th day of March, 1881, at the hour of ten o'clock in the forenoon, I continued the further taking of these depositions, as follows:

1 BERNARD THOMAS FURAY, produced, sworn, and examined on the part of the contestee, deposeeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name?—Answer. Bernard Thomas Furay.

Q. Where do you live?—A. 2511 Dickson street; precinct 135, of the Twelfth ward.

Q. How long have you been living in the city of Saint Louis?—A. I have been living in the city of Saint Louis, except for about a few months that I have been out of it, since the 13th of July, 1866.

Q. Have you recently been employed by me in any capacity in connection with this contested election cause?—A. Yes, sir.

Q. In what capacity?—A. You gave me a list of names from different residences all over this district, and you sent me to ascertain whether those parties lived there, or if they had ever lived there.

Q. Whose list was it that I gave you?—A. I had the list of William E. Hardwig.

Q. The list that I stated he had reported on here as to not being found?—A. Yes, sir; so you stated here.

Q. Did you make the investigation?—A. I did.

Q. And reported to me?—A. I reported to you.

Q. Now, Mr. Hardwig, in his testimony for the contestant, reported on the name of Stephen Howard, 2116 Division street. He reported that he had made a careful and cautious search at the house and in the neighborhood, and ascertained that the man was not known thereabouts. Now, what did you find out in regard to that?

Mr. POLLARD. I object to that, because the contestee's counsel under the law has no right to state to this witness the testimony of any prior witness in this case, and because he has not only attempted to state such testimony, but, whether purposely or otherwise, wholly and totally misstated it; he has made certain statements concerning which the witness referred to, Hardwig, testified very differently.

Mr. DONOVAN. I will not, during the examination of this witness, annoy myself with answering such objections as that last made by the counsel for the contestant. The record will minutely prove the fact just as stated by me, and I propose to give Mr. Hardwig's report in contrast with this gentleman's report in regard to each name that Mr. Hardwig reported upon, and the minute of Mr. Hardwig's testimony in regard to each name which I will ask this witness is correctly stated by me, and taken from the record itself.

2 Mr. POLLARD. I cannot, of course, say what the gentleman may or may not do; he may and he may not make correct statements touching the other names; but in regard to the name asked about the statement is absolutely and totally incorrect, and I object to it as an improper manner of examining a witness.

By Mr. DONOVAN:

Q. Now, Mr. Furay, please answer the question I put to you?—A. 2116 Division street is a one-story frame house, belonged to Mr. Howard.

seven or eight years ago, and the gentleman lives there; he is janitor over at the hall—the Four Courts building.

Q. Holding an office under the city administration?—A. Yes, sir; I don't know what it is, or where it is, but he is a janitor and used to be at the city hall.

Q. You state that he built this house some seven or eight years ago, and lives in it now?—A. He had it built.

Q. But he owns the house and lives in it?—A. Yes, sir.

Q. Mr. Hardwig reported to Mr. Pollard in regard to the name of Frank Manley that he made a cautious and careful examination in regard to him, and that he was not found in the neighborhood. What did you find in relation to the gentleman?

Mr. POLLARD. I object to that question again because it is a reiteration or an attempted reiteration of testimony heretofore given in this case, and it is wholly improper and irrelevant what the witness referred to did swear in regard to this man Manley; this witness can answer the question just as well without that statement as he can with it; I object to it and ask that it be not received.

Mr. DONOVAN. I put the question in this shape for the convenience of the committee who will examine the records and contrast the two reports. (To the witness.) Now, answer please.

A. Frank Manley lives upstairs; that house is a tenement house; there are three or four tenants living in it; he lives in it upstairs, and has been living there since June or July, 1880. I am well acquainted with the man.

Q. Mr. Hardwig reported on the name of Michael Haley, 2116 O'Fallon street; that after a conscientious search through the neighborhood he reported him as not found. What was the result of your investigation?

Mr. POLLARD. I object to that question for the same reasons as before, because the statement made by the counsel for the contestee does not comport with the facts as given in evidence by the witness Hardwig.

A. The gentleman was living there for quite a while; a couple of years or so. He moved, I think it was, the 14th of March.

By Mr. POLLARD:

Q. What paper is that that you have in your hand?—A. Minutes of my inquiries.

3 Q. Who made them?—A. I did myself.

Q. When?—A. Well, I made this in pen and ink at my own house; the answers that I received I took down in pencil on paper immediately on receiving it, and afterwards I copied them.

Q. When was this made?—A. During the past couple of weeks. This paper which I now have in my hand?

Q. Yes, sir.—A. That was made on last Friday morning; Thursday or Friday.

Q. Who made that paper?—A. I did myself, sir.

Q. But that paper was not made at the time you made these inquiries or these investigations?—A. This paper was not; but a copy of this was made in pencil writing.

Mr. POLLARD. I now object to the use of that paper by the witness, because according to the witness's own statement it is not a memorandum of any fact which he elicited and which was made at the time of the elicitation of those facts, but only purports to be a copy of other memorandum which had been made theretofore.

By Mr. DONOVAN:

Q. You can state how that memorandum was made up?—A. Yes, I can; if it is necessary for me to state.

Q. You can state how you gathered your information.—A. I went to the house that the gentleman was supposed to live at; I ask if he lived there; if he did not live there I asked the people that lived there if they knew him, or if he had been living there during their time; if they knew him they generally gave me the information that I was after; if they did not know him, I asked the neighbors; I asked how long he had moved away, and where he had moved to, and all other information I could possibly get in regard to him. Then I wrote it in pencil for the purpose of writing it off at home, after I made a careful inquiry on the subject.

Mr. POLLARD. I simply say that under the law when a witness attempts to use a memorandum to refresh his memory by it, it becomes the duty and the right and the privilege of the opposing counsel to examine him then and there as to where and how that memorandum was made in order to enable the court or the officer taking the deposition to determine whether it is such a memorandum as under the law he has a right to refresh his memory by. Now, I want to know when these investigations were made?

Mr. DONOVAN. I object to the counsel for the contestant cross-examining this witness pending the direct examination. The witness has fully told him how and when he made this paper and the original memorandum; how he made this paper and the original memorandum; how he made the inquiries of the fact is; how he made his minutes in pencil at the time for his own convenience and thereafter copied
4 them at his house; and that the minutes that he has on this paper now held in his hands are the minutes that he had made in pencil at the time of making the investigation.

By Mr. POLLARD:

Q. When was this investigation made?—A. This investigation was made between Friday the 10th of March—wait a moment, is Friday the 10th?—no, between Friday the 11th of March and the two weeks succeeding.

Q. That is, between the 11th and 25th of March?—A. Between the 11th and 25th. I handed the results of my investigations over to Mr. Donovan on the 25th of March; that is, I handed him the list that he gave me with my notes on it in pencil; for my own information I wrote this out before I handed in the list that he had given me to ascertain whether the people lived at those places or not.

Q. And that is the memorandum that you are now refreshing your memory by; the one that you made out last Thursday or Friday?—A. Yes, sir; the one that I copied last Thursday or Friday.

Q. Last?—A. Yes, sir; last. That was the 24th or 25th of March; it was made on either one or the other.

By Mr. DONOVAN:

Q. But it was made from the pencil information that you took down right at the time the inquiry was made?—A. Yes, sir; right at the time the information was obtained.

Q. The former question was in regard to this man Manley; what did you find out concerning him?—A. He moved upon the 14th of March, according to the information I received from the people living in the house.

Q. Mr. Hardwig, according to his testimony, made a thorough search for Jerry Savage, Eighteenth and O'Fallon street, and reported that he was not known in that neighborhood; what was the result of your inquiry?

Mr. POLLARD. I make the same objection to this question as already stated to the two or three previous questions.

A. I find the gentleman lives at 1410, I believe the number is, 1410 North Eighteenth street, and has been living there over a year.

By Mr. DONOVAN:

Q. He also reported James Dillon, 1423 North Twenty-third street, as not known in the neighborhood; what was the result of your inquiry?

Mr. POLLARD. I again repeat my objection heretofore made and entered upon the record.

A. That is an old gentleman; he used to live up on the south side of Dickson street, between Twenty-third and Twenty-fourth; he moved from there with a lady that he is living with about twenty-one or twenty-two months ago, to the best of my knowledge, to the house that the lady lives in now and that he is working for; and he is living with her yet.

By Mr. DONOVAN:

5 Q. The same gentleman also reported Mr. Daniel Martin living on Dickson street, between Twenty-second and Twenty-third streets, as not known in the neighborhood; what was the result of your inquiry?

Mr. POLLARD. I make the same objection to that as to the previous questions.

A. I believe when that gentleman registered the street that is now called Twenty-fifth used to be called Twenty-third; and that is how that mistake was made; he lives on the southeast corner of Twenty-fifth and Dickson streets.

By Mr. DONOVAN:

Q. And how long has he been living there?—A. He has been living there as long as I am living in the place where I live; I am now five years in the same house.

Q. Is he or is he not known in the neighborhood?—A. He is known all over there by everybody that mixes himself up in politics; he is a hod-carrier. I am certain Mr. Hardwig knows him.

Q. You think Mr. Hardwig himself knows him?—A. I believe he does; he ought to.

Q. He also reported upon the name of Peter White, 1311 North Twenty-third street—A. That is a mistake in the number.

Q. Is there any gentleman of that name living in that neighborhood?—A. He has been living on North Twenty-second street for 14 or 15 years past, and owns the property he is living in.

Q. He also reported on the name of Dennis Stanton; what did you find in regard to him?—A. Mr. Stanton, I find in regard to him that he is living out around Twentieth and Montgomery streets there; he can always be found up on Fifth and Carr streets. This is his place of residence.

Q. Mr. Hardwig reported A. L. McAllister, 2119 O'Fallon street, as not known?

Mr. POLLARD. There is no question to that.

Mr. DONOVAN. What was the result of your inquiry for that gentleman?

Mr. POLLARD. I make the same objection as before.

A. That is just like that Dickson street case; it used to be Twenty-first and Twenty-second along there; the numbers is not correct there; where that gentleman lives ought to be 2219 O'Fallon street; he was living there last fall, and moved on the 10th of November; they couldn't tell me where he had moved to.

Q. He was living there on election day?—A. He was living there until the 10th of November; I don't know that he is so well known in the neighborhood; he was known in that house; and some of the young "bucks" around there know him.

Q. Mr. Hardwig reported on the name of John Galvin, Dickson street, between Twenty-first and Twenty-second, and after searching all through the neighborhood reported him as not known; what was the result of your investigation?

Mr. POLLARD. I object to the question for the same reasons as heretofore stated.

A. That man's name is incorrectly spelled; that man's name is John Gavin; that gentleman is five or six years living in that house, north side of Dickson street, between Twenty-second and Twenty-third.

Mr. DONOVAN. The attorney for the contestant says it should be spelt Gavin, and that it was reported as Gavin.

A. He is living there.

Q. Is he or is he not known in the neighborhood?—A. He is known in the neighborhood.

Q. The same gentleman, after this diligent search, swears that O. R. McBride, 1223 North Twenty-first street, is not known in the neighborhood?

Mr. POLLARD. I again make my objection.

A. Well, the gentleman was not very well known in that neighborhood, but he lived at that number and moved away between three and four months; he moved somewhere on Dickson street.

By Mr. DONOVAN:

Q. Did he move after or before the election?—A. They couldn't tell me that positively; I suppose it must have been after the election: because the election was but four or five months ago.

Q. You are giving all this testimony without any reference to your notes whatever to refresh your recollection?—A. Yes, sir.

Q. I state that to you because I notice that you do not refer to your notes?—A. One moment; if a person makes a slight mistake, can he correct it?

Q. Yes.—A. In regard to Peter White, I think I said that he lived on Twenty-second street; that ought to have been Twenty-first; he owns the property there.

Q. Mr. Hardwig, after his careful inquiry, reported Jerry Galvin, 2201 O'Fallon street, as not known there; what did you find out in regard to him?

Mr. POLLARD. The notary will please note the same objection as before.

A. Mr. Galvin has been boarding in that house—it is a boarding-house—and he has been boarding in that house since June or July last; he is well known in that house; it is Paddy Byron's house.

Mr. DONOVAN. Mr. Hardwig also reports that J. W. Riley, 1952 Cass avenue, is not known; did you find him or his residence?

(Mr. Pollard, counsel for the contestant objects to the question for the same reasons as heretofore stated.)

7 A. There is a gentleman named J. W. Riley living upstairs in 1952 Cass avenue; I ascertained that fact from the people that lives down-stairs; a shoemaker lived down-stairs; I believe he has got some supervision of the house; Riley lives upstairs; he has been there, living there going on a year or so; Riley has been living there that long.

Mr. DONOVAN. Mr. Hardwig also reported and swore that Michael Tarleting, 2801 Dickson street, was not known in the neighborhood; what did you find out in regard to it?

Mr. POLLARD. I again renew my objection.

A. Mr. Tarleting's family live there, and he lives there when he is in Saint Louis; he is a river man; been living there for a considerable length of time; I couldn't say for how many years; I couldn't say exactly, but for a long time.

Mr. DONOVAN. You still, in answering these questions, make no reference to your notes whatsoever; is it a fact that your knowledge is based on what you obtained in visiting those places?

Mr. POLLARD. I object to that question, because it is leading.

A. These are all living around my neighborhood.

By Mr. DONOVAN:

Q. That is the reason that you do not refer to your notes?—A. Yes, sir.

Q. Mr. Hardwig, after this thorough examination that he made, swore that a gentleman by the name of Edward Nugent, living at 2504 Dickson street, was not known in the neighborhood; what did you ascertain in regard to him?

Mr. POLLARD. The same objection will apply as at first entered upon the record.

A. That gentleman had lived there for two or three years, right across the street, cat-a-cornered from me; he left between two months or nine weeks ago, and lives now at what ought to be 2602 or 2603 Dickson street, on the same street, not much more than a half a block.

By Mr. DONOVAN:

Q. And moved after the election, did he?—A. He is only now moved nine weeks; in fact, I don't know that he is moved that long.

Q. Mr. John Maloney, Twenty-eighth and Dickson, was also reported by this man Hardwig as not known in his testimony; what did you learn concerning him?

Mr. POLLARD. I object to that question for the reasons already given.

A. He lives with his father; his father built that house three or four years ago. This man registered at the polls last fall; never registered in his life before. He is twenty-one years now.

By Mr. DONOVAN:

Q. Do you think Mr. Hardwig could have gone to these places at all?

8 —A. I don't know; he couldn't have possibly have gone to that man's house at all without finding him.

Q. Well, he reported that Mr. Michael Pendergrast, 1710 Mul-lapphy street, was not known in that neighborhood; what did you find out.

Mr. POLLARD. I object to the question on the same grounds.

A. That gentleman has lived there for a number of years; that is a little bit of a one-story, half brick and half frame house; he moved

out a month or two ago, but he moved back again; I couldn't ascertain where he had moved to, but he was living there till after Christmas.

By Mr. DONOVAN:

Q. Mr. John Borus, 1526 North Sixteenth street, was reported by the same industrious gentleman as not known; what was the result of your investigation?—A. That is John Barns; he makes his home there all the time, his trunk is there, his clothes are there.

Q. Well, he is known there?—A. Oh, yes, he makes his home there; he is a teamster; you can't go to the house and not find out all about him.

Q. The same industrious and conscientious gentleman reported John Reddy, 1715 Cass avenue, as not known in the neighborhood; what is your report?

POLLARD. I object to that question for the additional reason that there has been no testimony tendered to show that Mr. Hardwig was an industrious canvasser or a conscientious witness, and for all the other reasons given heretofore.

A. He is living there since the last June; he was with that gentleman that lived on Twentieth and Cass avenue.

By Mr. DONOVAN:

Q. He has been living there how long?—A. Since last June or July along; nearly a year.

Q. He is known there?—A. He is known in that yard, and he is known to some of the folks around there too.

Q. Now, the same gentleman varies his report by stating that the place is vacant in regard to Bernard Sweeney, 2221 Cass avenue?—A. There are two Bernard Sweeny voters in that house.

Q. How long has he lived there?—A. I couldn't exactly state how long; it must be nine or ten years; the old gentleman owns the house; they both live in the same house; father and son; both are voters.

Q. Well, if there are two of them that ought to afford Mr. Hardwig some facility in finding one?—A. I believe the father lives down-stairs, and the son upstairs.

Q. He reports the name of Cabell Summer, southwest corner Sixteenth and Cass avenue; what did you ascertain in regard to it?—A. That gentleman will be two years living there this next August; in the rear of that house there is a house built, so that there is a house
9 fronting the rear, and one fronting on the street.

Mr. POLLARD. I object to that last question, and ask that my objection may be placed in its proper place.

By Mr. DONOVAN:

Q. What did you ascertain in regard to J. C. Taylor, 1624 Cass avenue?—A. That is a colored gentleman; lived upstairs about a year; moved over there from Gay street.

Q. Mr. Hardwig reports in regard to James Moran, 1609 O'Fallon street, that he is not known; what did you ascertain?—A. That young gentleman lived there until about December last; he used to board with some people that lives in that house; this woman with whom he was boarding moved away from that house; I think he is now living one door east; I think it is east or the northeast corner of Sixteenth and O'Fallon.

Q. He also reported that James Howard, 1307 North Sixteenth, was

not found; what did you find out in regard to that?—A. He lives up there in the third story; he has been living there for a couple of years.

Q. If Hardwig had made a careful search for him he would have found him, wouldn't he?—A. Yes, sir; for he could have received information from the folks down-stairs; he might and he might not have found him in just at that time.

Q. Well, after a diligent and conscientious search for Mr. James Shay, at 1615 North Fifteenth street, Hardwig reports that he cannot be found in that house, and that he is not known in the neighborhood; what was the result of your inquiry?—A. I couldn't find no man of that name up there; but I found a man of that name at 1316 North Sixteenth, and living there for years.

Q. How long has he been living there?—A. Between four and six years.

Q. Hardwig reported on the name of P. Ryan, 2520 Cass avenue; what did you find out in regard to it?—A. Them houses are built in the rear of that lot, and this old gentleman used to live in the rear there until about Christmas; some folks of his died and he moved away.

Q. He also reports on the name of W. P. Eads, 1527 North Seventeenth street?—A. He was living there last fall; moved away about four months from there—from that place; he only lived a couple of months there.

Q. He reported on the name of Michael Bunyan, 1325 North Eighth street?—A. I am well acquainted with that gentleman. He moved higher up that block; he moved to fourteen hundred and something.

Q. He has been living in that neighborhood, has he?—A. Yes, sir; for years; he drives for the Transfer Company; you couldn't miss him; I met him myself and asked him about his residence, and he told me he had gone down and got registered; he moved in the same block, but further north.

10 Q. He reported on Pat Buckley, 1200 Collins street; what do you find?

Mr. POLLARD. I still urge my objection as before.

A. He boards there at the southwest corner of Collins street and Biddle; it is called the Parnell House.

By Mr. DONOVAN:

Q. He reported on the name of Alexander Bonner, 1126 Collins street; what did you find out in regard to him?—A. He used to live there.

Q. Do you know when he moved?—A. The folks in that place, told me he moved over four months, they thought it was between three and four months; they could not positively tell. He is working on the bridge now; he is a night watchman or collector.

Q. What do you know in relation to Charles Morgan, 200 Ashley street?

Mr. POLLARD. I make the same objection.

A. That is getting out of my neighborhood; I have got to look for that; he lived there last fall; moved between November and December into the alley in the same block; I could not find him at home, nor nobody belonging to him; but the folks in the neighborhood told me that he lives there, and that he had moved into the alley.

By Mr. DONOVAN:

Q. What did you find out in relation to John Keilly?—A. That he is at the Parnell House.

Q. Does he live at the Parnell House?—A. He boards there.

Q. That is 300 Biddle street?—A. Yes, sir.

H. Mis. 27—127

Q. Now, Mr. Hardwig after a careful and thorough search of the entire neighborhood, visiting the houses and inquiring of everybody in order to give the most reliable information, reports that G. E. Walsh, 1328 North Eighteenth street, is not known in the neighborhood?

Mr. POLLARD. The same objection.

A. I am well acquainted with that gentleman; he has been living in that house for thirteen or fourteen years; and is living there yet.

By Mr. DONOVAN:

Q. Can you explain to me how it is possible for Mr. Hardwig to swear that that man is not known in the neighborhood?—A. No, sir; I couldn't explain his not finding it; or how it was possible; it couldn't be possible if he was there at all; that is Jake Sheehan's place; he is constable of the Twelfth and Twentieth wards; he owns that house I believe; he lives there, too; and so does this gentleman.

Q. Do you not believe that you could send an eight-year old boy to that house with a package, and have it delivered to that gentleman, right now?

11 Mr. POLLARD. I object to that question, because it is irrelevant and immaterial.

A. I have no doubt he could find the house; if the boy could understand how to find the streets and read numbers, he would be bound to find him, or he could find out from people that he lives there.

By Mr. DONOVAN:

Q. And this man has been living there for thirteen years?—A. That is what they told me, but I know he has been in that house for a long while.

Q. This Mr. Hardwig reported on the name of William Dugan, 1313 North Sixth street?—A. He moved a year ago—about nine or ten months ago—to 1312; he is living there now.

Q. He reports that Patrick Murphy, of 1311 North Sixth street, moved away from there two years ago?—A. He has been living there nearly two years, and is living there now.

Q. He reports that John Maguire, 1300 North Seventh street, moved away about the same time?

Mr. POLLARD. I make the same objection as heretofore made.

A. That gentleman is a partner and barkeeper for a man that keeps a saloon there, and, from the information I received, I find that he sleeps in the rear of the saloon, or is supposed to sleep there; I am not so sure now about his being a partner.

By Mr. DONOVAN:

Q. And how long has he been there?—A. That I couldn't find out, but quite a while; I know that man myself to see him and speak to him, but I never was much around his place; but he has been living there for all last summer to my knowledge; all last summer.

Q. He reports as not known John Kelly, at 1326 North Seventh street; what did you find out?—A. That is a stable; Kelly lives up stairs, himself; his brother runs that stable; he is well known there.

Q. He reports Patrick McNamara, at 708, I believe, Biddle street, as not known; what did you find out?—A. He lives at 708 Biddle street.

Q. He reports him as not known. Also, reports James Foley, 711 Biddle street, as not known; what did you find out in regard to him?—A. I found out that that gentleman is living there in that house, and was living in that house a couple of years ago, but moved away to 716 and is living there yet.

Q. How long has he been living in that neighborhood?—A. I couldn't find out how long he had been living there; but three or four years in that neighborhood; he is known in the neighborhood. A man named Wolff owns the houses that he has and is now living in.

Q. Mr. Hardwig reports that William E. Heffernan moved two years ago from 1103 North Seventh street; what did you ascertain in regard to the gentleman?

Mr. POLLARD. I make the same objection as before.

A. The neighbors all say that he lives there, sleeps there; 12 he is a barkeeper for the parties that he stops with; I believe John Sullivan is the man's name that he stops with there; Sullivan, or some such a name as that; I am not certain about the man's name that he stops with, but he stops there and lives there.

Q. Well, how long has he been living there?—A. He has been living there for quite a while; all last summer, anyway.

Q. In regard to Michael Lee, 1221 North Seventh street, he reports that, after a most diligent search, he moved away from there six months ago; what did you learn in regard to that man?

Mr. POLLARD. The same objection is made.

A. He has been living there five or six or seven years, and he is there yet; he is living in the rear of that number. It is John Lee that moved away five or six months ago.

By Mr. DONOVAN:

Q. Not Michael Lee?—A. No, sir; Michael Lee is living there yet.

Q. Now, this same careful, industrious, honest, and conscientious witness, after beating around the neighborhood in order to make an accurate report, swore upon the stand that John Burkeman, 1213 North Sixteenth street, is not known in the neighborhood; what was the result of your investigation?

Mr. POLLARD. I object to this question, because the counsel for the contestee is endeavoring to impress upon those who shall read this testimony the fact that the witness Hardwig was not a competent and faithful man, and was not a witness who had that due regard for the truth which he should have; whereas his testimony on the stand, after a most critical cross-examination that was ever endured by any witness, was not in the slightest degree crossed, and his testimony was not shaken at all; but on the other hand his testimony, from beginning to end, was clear, concise, straightforward, and unbroken.

Mr. DONOVAN. As his testimony will prove wholly and totally unworthy of confidence or credit, this inquiry is made in regard to this gentleman, Hardwig, because he was the commander-in-chief of all the forces that marshaled with the canvassers employed by the contestant in this cause.

Mr. POLLARD. The statement of the counsel for the contestee in this regard is exactly on a par with that in other regards. The fact is, that since the commencement of the examination of the witness now on the stand, this contestee, by his counsel, whether purposely or otherwise, I cannot say, has misstated the testimony of Mr. Hardwig with reference to every individual concerning whom he has asked; and he has not only misstated it directly, but he has given in almost every instance a statement diametrically opposite to that made by Mr. Hardwig; whereas in truth and in fact, this witness, in many regards, has substantially borne out, sustained, and supported the testimony of Mr.

Hardwig; all of which is well known to the counsel for the testee.

13 Mr. DONOVAN. I am in each and every instance quoting the sworn testimony of Mr. Hardwig himself; and every report that Mr. Hardwig has made in regard to names is correctly repeated by me in the questions propounded to this witness, and the counsel will see that for themselves.

Mr. POLLARD. The counsel for the contestee well knows that he drawn more on his imagination than on the record in this case.

By Mr. DONOVAN:

Q. Well, now Mr. Furay we have lost sight of you and the issue in this maze of objections. I will ask you again what you ascertained in regard to John Burkeman, 1213 North Sixteenth street, who reported by this same gentleman, Mr. Hardwig, as not known in neighborhood?—A. I didn't find him in. I ascertained from folks lives on the front part of that lot that the gentleman is an old German, owns the place, and has been there for nearly twenty years.

Q. He reported as not known William E Marlow, 1227 North tenth street. What did you ascertain?

Mr. POLLARD. Same objection as heretofore made.

A. He lived there for a year until last year. Then he moved to three months ago to Eighteenth street—west side of Eighteenth street one door north of Biddle, between Biddle and O'Fallon.

By Mr. DONOVAN:

Q. He, in like manner, reports that P. F. Dockery was not known 1225 North Sixteenth street, nor in that neighborhood; what was result of your inquiry?

Mr. POLLARD. I object.

A. I found that gentleman was living in that house for over a year along about that much.

By Mr. DONOVAN:

Q. What did you find in regard to P. C. Morris, 1225 North Sixteenth street, who was reported by Mr. Hardwig as not known?—A. The counsel don't know where he moved to; he moved two or three months but he was living there last year; he lived there—them two men in that place; one lived in the rear, and the other one lives in the front; a lady there told me that his wife moved to the row between College and O'Fallon street, upon Sixteenth street; she is living there but they couldn't find out where he has moved to.

Q. After a careful, thorough, and diligent search, not only a house, but throughout the neighborhood, and from drug-stores, grocery stores, Mr. Hardwig came upon the stand and swore that Pat Boyle, 1418 North Eighteenth street, was not known. What did ascertain in regard to that?

Mr. POLLARD. I make the same objection.

A. He has been living in that house nearly twenty years; an old blind man; he has lost his eye-sight; I spoke to him myself; he said he has been living there long enough to get to everybody around Eighteenth street knows Pat Boyle.

By Mr. DONOVAN:

Q. What could have been the difficulty of Mr. Hardwig in finding Mr. Boyle, if he visited the neighborhood at all?—A. Well, perhaps was like Mr. Boyle, blind. He must have been deaf to all inquiry

Q. You saw the gentleman, yourself?—A. I spoke to him and his wife; I suppose it was his wife, I don't know her.

Q. But the gentleman himself informed you that he had been living there long enough to grow blind; living there for twenty years?—A. Yes, sir; a pretty old man, too.

Q. This same Mr. Hardwig reported as not known in the neighborhood Patrick Reardon, 1410 North Eighteenth street; what did you find?

Mr. POLLARD. I object as before.

A. He has been living there for over a year; been in that neighborhood for years.

By Mr. DONOVAN:

Q. Well, Mr. John Mulligan could not be found at 1328 North Eighteenth street; what did you ascertain as the result of your inquiry?—A. That is Sheehan's house again; Sheehan's raised that boy. The father and sister, or whoever they are of the Sheehans, raised that boy; his father used to own the house right next to them, and when he died, then the Sheehans took this boy in their house; he is now about twenty-eight years old.

Q. How long has he been living there?—A. Fourteen or fifteen years; he was eleven or twelve years of age when his father died, and he has been living with them ever since.

Q. You do not refer to any notes in regard to this testimony?—A. You can take them notes away—anybody; I know these facts personally; a man can't possibly think of all them names without refreshing his memory by a look; but I know those parties.

Q. Mr. Hardwig, after a diligent and thorough search at the house, and throughout the neighborhood in order to obtain the most accurate information possible, gets upon the stand and swears that Patrick Lahay, 1414 North Eighteenth street, is not known; what did you find in relation to that man?—A. He is living around there; he is living at 1414; he has lived there eighteen or twenty years; his wife told me that they had been living there that long. You couldn't miss the place.

Q. Now, he reports that John Carroll in the rear of the Mullanphy row—what did you find out in regard to him?—A. There is two little houses in behind that row; it is called the back of that row; he has lived there for over a year; he is living there yet.

15 Q. Well, he reports that Thomas J. Carroll, 2116 Biddle street, is not known; what was the result of your investigation?—A. He has been living there for quite a number of years; he is driving for the man that owns that place; Mr. Richard Brown, the contractor, makes contracts for digging cellars and tearing down houses, and such things as that.

Q. He reported that Michael Kenny, 2216 Division street, as not found; how did you succeed?—A. He lived there all last summer, and lived up there until the coming on about of Christmas; he moved out of that place then down into Butcher town.

Q. He also reports as to William Sullivan, east side Twenty-third street, between Biddle and O'Fallon; what is your report?—A. He is living there; 1304 is his number; that boy has been raised in the "Patch;" he is Con. Sullivan's son; I don't know how long he has been living in that house, but I know him; he has been born and raised around that neighborhood; that is just two doors north of Division street; he is Con. Sullivan's son, everybody knows him up there.

Q. If you went up to find him, you wouldn't have much difficulty in finding him, or his whereabouts?—A. No, sir; I wouldn't have much difficulty.

Q. Well, after a careful and thorough and diligent search, he steps upon the stand and reports that James Smith, 2124 Biddle street, is not only not known at that house, but is not known in the neighborhood; what did you learn?

Mr. POLLARD. I want to object to that question, and ask the question whether he does in every instance personally know the testimony that was heretofore given by Mr. Hardwig?

Mr. DONOVAN. I will answer that question if the gentleman so desires, and state that my object in presenting this matter in this way is because the report by Mr. Hardwig cannot be classed as other than outrageous.

Mr. POLLARD. And for that reason, I suppose, the gentleman also makes his question outrageous.

Mr. DONOVAN. I will leave the committee to determine that. (To the witness.) He reports that Smith is not known in that neighborhood; what did you find out in relation to that party?

A. He built pretty near the first house on that block, and he has been living there ever since; he himself, that it was, twenty-four or twenty-five years long; that where he is living at 2122½, I believe the number is, there is four houses built upon the lot; the house numbers, I believe, don't run correctly with the two houses; two houses are built on one lot. But this man lives just there.

Q. He reports Dan. Kuchalan, 1107 North Twenty-second street as not known?—A. He is an old gentleman, and can't speak very much

English; he used to live at that number, and only moved about
16 eight or nine weeks ago; he moved away to Twenty-second and Wash street. He had been living at this first place for years.

Q. John Dugan, 1124 North Sixteenth street; what did you find?

Mr. POLLARD. I renew my objection.

A. He has been living right across the street from that number for a couple of years; his mother says that there was a man around there, and she told him it was a mistake about the number; that it must have been incorrectly stated, for it is 1127; that is the number he is living in.

By Mr. DONOVAN:

Q. He is known in the neighborhood?—A. Yes, sir; the parties that I went to that lives in the house, that they was reported as living in, or at the next door, they told me to go across the street and I could find him; I went and found his mother.

Q. With his customary degree of accuracy, he reported as moved one year ago one James Burns, 1818 Biddle street; what did you ascertain?—A. The man was not in when I called there, but his lady tells me that they have been living there four years and is living there yet.

Q. He also reported on the name of John W. McCarthy, Twenty-first and Biddle; what did you ascertain?—A. He used to live at Twenty-first and Biddle, but I understand that he bought some property on one corner of Twentieth and Biddle—it is the northeast corner, and he has been living there about four years, I guess.

Q. Then, since he bought that property he is well known in that neighborhood?—A. He used to keep a grocery store on the northeast corner of Twenty-first and Biddle; but he lives now on the corner of Twentieth and Biddle.

Mr. Hardwig, without the consent of John Frevant, who lived at North Seventeenth street, has moved him away from there; what you ascertain in regard to that?

Mr. POLLARD. I object to any testimony by the counsel for the contestee unless he be first sworn; I object because (unless the counsel for the contestee considers his statements as testimony) there is no testimony in this record, and the gentleman has, as usual, drawn exclusively on his imagination.

Mr. DONOVAN. I am quoting from Mr. Hardwig's testimony.

The WITNESS. The gentleman is living there, just one house south of southwest corner of Seventeenth and O'Fallon streets; he runs a yard there; he has been living there four or five years.

He, this man Hardwig, has also taken certain liberties with the name of Thomas Hennessy, 2101 Biddle street—

Mr. POLLARD. I again urge my objection.

A. He lives there with a cousin of his that owns the place, and has been living there for years.

By Mr. DONOVAN:

He has taken the same liberties with the name of Morris Frevian, Carr street; what did you ascertain in regard to that person?—He has been living there two or three years, and lives there yet; I and they were mightily surprised when I asked at the door; he said he had lived there several years, four or five, and lives there yet; we were mighty surprised to have me ask.

Now, in regard to George Dotzler, 1903 Carr street, what information did you obtain in regard to that man?—A. He has been living there for over eighteen months.

What did you ascertain in regard to W. D. Sweeney, 2005 Carr street?—A. He lives at 2025 Carr street, and has been living there for over a year; he lives there with his father-in-law and mother-in-law.

What did you learn in relation to H. M. Jeter, 2016 Carr street?—He is living there.

How long has he been living there; do you know?—A. For over a year; I don't know but from the information I received; his wife is the one that was telling me that he had been living there for over a year; she says this is the fifth or sixth man that was around there now all about him.

Do you know whether Mr. Hardwig was one of these men?—A. I didn't say who they were; I don't know who they were; I never saw anybody but myself.

You saw his wife?—A. I suppose it is his wife.

She said she was his wife?—A. Yes, sir.

What did you ascertain in regard to Richard Branigan, northeast corner Main and Madison?—A. Dick Branigan?

Yes.—A. They have got that place torn down; but it is a regular party place for Sunday idlers coming up on the river, and from there I know of parties living in the house. I ascertained that their name was Branigan; those who lived in that house.

When was the house torn down?—A. About a month or five weeks ago; they did not begin to pull down the house until some time in New Year.

What did you learn in regard to A. E. Bromley, 2520 Broadway, reported on by this indefatigable Mr. Hardwig?—A. I found he was there last fall; lived up there until some time in December, when he moved down on Broadway, between Cass avenue and O'Fallon.

Q. Now, about J. L. Doolittle, 1200 Madison?—A. He went home in the early part of the winter to Indiana; he lived there last fall.

18 Q. And moved away from there, when?—A. In the early part of the winter; they said it was about four months now; they said it was about four months since he went to Indiana.

Q. So he moved in December or January?—A. That is what they told me.

Q. Well, this careful gentleman reports as not known Patrick Quirk, 3525 Broadway?—A. He lived there until the new year; himself and his brother lived up in that same number in the rear; the man that keeps a butcher shop in the front of that lot told me this; that he himself and his brother used to room in the yard—back in the yard there; that he moved about the first of the year to the southeast corner of Broadway and Salisbury street. I ascertained that he drove a car, numbered 17, for the Saint Louis Street Railway Company; the Fifth street line.

Q. Do you know how long he has been living there?—A. I couldn't tell you; but he has been living there last year; before the election.

Q. Hardwig also reported on the name of Edward Morrissey, 3610 Broadway; where did you find him living?—A. I found he was living in the rear of 3609 Broadway; I couldn't find out how long he had been living there; there was none of the folks in; it was in the alley: nobody could tell me how long he had been there.

Q. Mr. Hardwig reports John Brown, southeast corner of Second and Angelica streets; what was your information?—A. Mr. Brown told me that when he came down to register—I was talking to himself—he couldn't think of the number of his house, and, as the most convenient thing for him to do, he gave them that number; he lives two doors east of the corner of Second and Angelica streets.

Q. He is known there?—A. Yes, sir; he is known there; he lives two doors from the corner on Second street; the number on his house is 4036, I believe; he has been living there for eleven months.

Q. Well, Mr. Hardwig killed off before election Mr. Michael Gilford, on the southeast corner of Second and Augusta street; what did you ascertain in regard to that gentleman?

Mr. POLLARD. I object to that question, because the unbounded imagination of the counsel for the contestee is altogether marvelous; by far excelling that of blind John Milton; and I trust he will write us two or three little poems in a vein similar, if not superior, to *Paradise Lost* and *Paradise Regained*.

Mr. DONOVAN. If the counsel for the contestant will save his speeches until the close of the testimony, and not any further waste our valuable time now, I will agree that they may go in, and be paid for by me.

A. I found out that a gentleman of that name lived for nearly a year on the southeast corner of Second and Ferry; he died either on the 16th or 17th of March, this year.

19 Q. That is this month?—A. Yes, sir.

Q. Well, he reports on the name of J. J. Moran, 4115 North Second street; what did you ascertain in regard to that man?—A. I ascertained that the gentleman has been gone between four and five weeks to Memphis.

Q. Some weeks ago?—A. Yes, sir; to Memphis. They told me the exact time, the parties in the neighborhood; they told me it was between four and five weeks. He was living there all last year. He moved from that house to Memphis.

Q. Is there a gentleman of the name of John Carr at or near 4230

North Second?—A. There was nobody in his house when I got there; he lives in the alley south of Ferry street, between Second and Broadway.

Q. In the same block?—A. In that same block; yes, sir. Second street up there is only one square east of Broadway.

Q. Mr. Hardwig's extensive acquaintance did not reach John J. Loughlan, and therefore he reports him as not known; what did you ascertain?—A. Well, he is boarding there with his sister over a year.

Q. Well, the same industrious gentleman's extensive acquaintance did not reach Michael Hickey, Twenty-second and Biddle, and therefore he reports him as not known; what was your information in regard to that gentleman?—A. He has been living here on Division street between twenty-two and twenty-three years. I know this of myself.

Q. You know the man personally?—A. I do, sir.

Q. He is known up there?—A. Yes, sir; he drives, I believe, for the Anchor Line—

Q. The Anchor Line Packet Company you mean?—A. Yes, sir; the Packet Company; for the Anchor Line Delivering Company; he drives for some of those gentlemen up there; I know him personally.

Q. Hardwig reports that A. Hildebrandt, 2207 Biddle street, is not known; what did you ascertain?—A. The folks that own that house told me that they had to kick him out for not paying his rent; I believe that is two months ago; the lady told me that she had to put him out for not paying his rent on the 10th of December, 1880.

Q. With the accuracy of a mathematician and the ferocity of a Zulu, this Mr. Hardwig kills Mike Shaub, 1336 North Twelfth street, and buries him two and one-half years ago; what did you ascertain?

Mr. POLLARD. The gentleman is exercising his imagination in thus framing his question with the same degree of ingenuity he has done heretofore in making the statement concerning the testimony of Mr. Hardwig.

A. The gentleman is living at 1333 North Fifteenth street; I called there; his lady told me that they lived at 1336 North Twelfth street for over four years; and they moved from there between two and three months; and the reason that he didn't change his registration was that he was going to move again and didn't care for to put himself to the trouble twice.

By Mr. DONOVAN:

Q. Well, he is a pretty lively corpse?—A. I wouldn't like to have him bit me.

Q. Well, with the facility of disposing of voters peculiar to himself, he kills Jacob Lawless, 1328 North Twelfth street.

Mr. POLLARD. I object to that question, because it is an entire perversion of the testimony; and it having been done so often it is patent to my mind that the counsel for the contestee is doing it maliciously and willfully for the purpose of, in a measure, destroying the credit of the examination of the witness Hardwig. In every instance where the gentleman makes a statement, as based on the testimony of the witness Hardwig, he states divers and sundry matters and things which Mr. Hardwig did not give in testimony. I apprehend that this present witness never even dreamed of the various statements which the counsel for the contestees put into his mouth.

By Mr. DONOVAN:

Q. Is Lawless dead or alive?—A. No, sir; he is not dead.

Q. Where is he living?—A. At least his wife told me he was alive,

out a month or two ago, but he moved back again; I couldn't ascertain where he had moved to, but he was living there till after Christmas.

By Mr. DONOVAN:

Q. Mr. John Borus, 1526 North Sixteenth street, was reported by the same industrious gentleman as not known; what was the result of your investigation?—A. That is John Barns; he makes his home there all the time, his trunk is there, his clothes are there.

Q. Well, he is known there?—A. Oh, yes, he makes his home there; he is a teamster; you can't go to the house and not find out all about him.

Q. The same industrious and conscientious gentleman reported John Reddy, 1715 Cass avenue, as not known in the neighborhood; what is your report?

POLLARD. I object to that question for the additional reason that there has been no testimony tendered to show that Mr. Hardwig was an industrious canvasser or a conscientious witness, and for all the other reasons given heretofore.

A. He is living there since the last June; he was with that gentleman that lived on Twentieth and Cass avenue.

By Mr. DONOVAN:

Q. He has been living there how long?—A. Since last June or July along; nearly a year.

Q. He is known there?—A. He is known in that yard, and he is known to some of the folks around there too.

Q. Now, the same gentleman varies his report by stating that the place is vacant in regard to Bernard Sweeney, 2221 Cass avenue?—A. There are two Bernard Sweeny voters in that house.

Q. How long has he lived there?—A. I couldn't exactly state how long; it must be nine or ten years; the old gentleman owns the house; they both live in the same house; father and son; both are voters.

Q. Well, if there are two of them that ought to afford Mr. Hardwig some facility in finding one?—A. I believe the father lives down-stairs, and the son upstairs.

Q. He reports the name of Cabell Summer, southwest corner Sixteenth and Cass avenue; what did you ascertain in regard to it?—A. That gentleman will be two years living there this next August; in the rear of that house there is a house built, so that there is a house
9 fronting the rear, and one fronting on the street.

Mr. POLLARD. I object to that last question, and ask that my objection may be placed in its proper place.

By Mr. DONOVAN:

Q. What did you ascertain in regard to J. C. Taylor, 1624 Cass avenue?—A. That is a colored gentleman; lived upstairs about a year; moved over there from Gay street.

Q. Mr. Hardwig reports in regard to James Moran, 1609 O'Fallon street, that he is not known; what did you ascertain?—A. That young gentleman lived there until about December last; he used to board with some people that lives in that house; this woman with whom he was boarding moved away from that house; I think he is now living one door east; I think it is east or the northeast corner of Sixteenth and O'Fallon.

Q. He also reported that James Howard, 1307 North Sixteenth, was

not found; what did you find out in regard to that?—A. He lives up there in the third story; he has been living there for a couple of years.

Q. If Hardwig had made a careful search for him he would have found him, wouldn't he?—A. Yes, sir; for he could have received information from the folks down-stairs; he might and he might not have found him in just at that time.

Q. Well, after a diligent and conscientious search for Mr. James Shay, at 1615 North Fifteenth street, Hardwig reports that he cannot be found in that house, and that he is not known in the neighborhood; what was the result of your inquiry?—A. I couldn't find no man of that name up there; but I found a man of that name at 1316 North Sixteenth, and living there for years.

Q. How long has he been living there?—A. Between four and six years.

Q. Hardwig reported on the name of P. Ryan, 2520 Cass avenue; what did you find out in regard to it?—A. Them houses are built in the rear of that lot, and this old gentleman used to live in the rear there until about Christmas; some folks of his died and he moved away.

Q. He also reports on the name of W. P. Eads, 1527 North Seventeenth street?—A. He was living there last fall; moved away about four months from there—from that place; he only lived a couple of months there.

Q. He reported on the name of Michael Bunyan, 1325 North Eighth street?—A. I am well acquainted with that gentleman. He moved higher up that block; he moved to fourteen hundred and something.

Q. He has been living in that neighborhood, has he?—A. Yes, sir; for years; he drives for the Transfer Company; you couldn't miss him; I met him myself and asked him about his residence, and he told me he had gone down and got registered; he moved in the same block, but further north.

10 Q. He reported on Pat Buckley, 1200 Collins street; what do you find?

Mr. POLLARD. I still urge my objection as before.

A. He boards there at the southwest corner of Collins street and Biddle; it is called the Parnell House.

By Mr. DONOVAN:

Q. He reported on the name of Alexander Bonner, 1126 Collins street; what did you find out in regard to him?—A. He used to live there.

Q. Do you know when he moved?—A. The folks in that place, told me he moved over four months, they thought it was between three and four months; they could not positively tell. He is working on the bridge now; he is a night watchman or collector.

Q. What do you know in relation to Charles Morgan, 200 Ashley street?

Mr. POLLARD. I make the same objection.

A. That is getting out of my neighborhood; I have got to look for that; he lived there last fall; moved between November and December into the alley in the same block; I could not find him at home, nor nobody belonging to him; but the folks in the neighborhood told me that he lives there, and that he had moved into the alley.

By Mr. DONOVAN:

Q. What did you find out in relation to John Keilly?—A. That he is at the Parnell House.

Q. Does he live at the Parnell House?—A. He boards there.

Q. That is 300 Biddle street?—A. Yes, sir.

H. Mis. 27—127

Q. Now, Mr. Hardwig after a careful and thorough search of the entire neighborhood, visiting the houses and inquiring of everybody in order to give the most reliable information, reports that G. E. Wale 1328 North Eighteenth street, is not known in the neighborhood?

Mr. POLLARD. The same objection.

A. I am well acquainted with that gentleman; he has been living that house for thirteen or fourteen years; and is living there yet.

By Mr. DONOVAN:

Q. Can you explain to me how it is possible for Mr. Hardwig to swear that that man is not known in the neighborhood?—A. No, sir; I could not explain his not finding it; or how it was possible; it couldn't be possible if he was there at all; that is Jake Sheehan's place; he is constable of the Twelfth and Twentieth wards; he owns that house I believe; he lives there, too; and so does this gentleman.

Q. Do you not believe that you could send an eight-year old boy that house with a package, and have it delivered to that gentleman right now?

11 Mr. POLLARD. I object to that question, because it is irrelevant and immaterial.

A. I have no doubt he could find the house; if the boy could understand how to find the streets and read numbers, he would be bound to find him, or he could find out from people that he lives there.

By Mr. DONOVAN:

Q. And this man has been living there for thirteen years?—A. That is what they told me, but I know he has been in that house for a long while.

Q. This Mr. Hardwig reported on the name of William Dugan, 13 North Sixth street?—A. He moved a year ago—about nine or ten months ago—to 1312; he is living there now.

Q. He reports that Patrick Murphy, of 1311 North Sixth street, moved away from there two years ago?—A. He has been living there near two years, and is living there now.

Q. He reports that John Maguire, 1300 North Seventh street, moved away about the same time?

Mr. POLLARD. I make the same objection as heretofore made.

A. That gentleman is a partner and barkeeper for a man that keeps a saloon there, and, from the information I received, I find that he sleeps in the rear of the saloon, or is supposed to sleep there; I am not so sure now about his being a partner.

By Mr. DONOVAN:

Q. And how long has he been there?—A. That I couldn't find out, but quite a while; I know that man myself to see him and speak to him but I never was much around his place; but he has been living there for all last summer to my knowledge; all last summer.

Q. He reports as not known John Kelly, at 1326 North Seventh street; what did you find out?—A. That is a stable; Kelly lives upstairs, himself; his brother runs that stable; he is well known there.

Q. He reports Patrick McNamara, at 708, I believe, Biddle street, is not known; what did you find out?—A. He lives at 708 Biddle street.

Q. He reports him as not known. Also, reports James Foley, 71 Biddle street, as not known; what did you find out in regard to him?—A. I found out that that gentleman is living there in that house, he was living in that house a couple of years ago, but moved away to 71 and is living there yet.

Q. How long has he been living in that neighborhood?—A. I couldn't find out how long he had been living there; but three or four years in that neighborhood; he is known in the neighborhood. A man named Wolff owns the houses that he has and is now living in.

Q. Mr. Hardwig reports that William E. Heffernan moved two years ago from 1103 North Seventh street; what did you ascertain in regard to the gentleman?

Mr. POLLARD. I make the same objection as before.

A. The neighbors all say that he lives there, sleeps there; 12 he is a barkeeper for the parties that he stops with; I believe John Sullivan is the man's name that he stops with there; Sullivan, or some such a name as that; I am not certain about the man's name that he stops with, but he stops there and lives there.

Q. Well, how long has he been living there?—A. He has been living there for quite a while; all last summer, anyway.

Q. In regard to Michael Lee, 1221 North Seventh street, he reports that, after a most diligent search, he moved away from there six months ago; what did you learn in regard to that man?

Mr. POLLARD. The same objection is made.

A. He has been living there five or six or seven years, and he is there yet; he is living in the rear of that number. It is John Lee that moved away five or six months ago.

By Mr. DONOVAN:

Q. Not Michael Lee?—A. No, sir; Michael Lee is living there yet.

Q. Now, this same careful, industrious, honest, and conscientious witness, after beating around the neighborhood in order to make an accurate report, swore upon the stand that John Burkeman, 1213 North Sixteenth street, is not known in the neighborhood; what was the result of your investigation?

Mr. POLLARD. I object to this question, because the counsel for the contestee is endeavoring to impress upon those who shall read this testimony the fact that the witness Hardwig was not a competent and faithful man, and was not a witness who had that due regard for the truth which he should have; whereas his testimony on the stand, after a most critical cross-examination that was ever endured by any witness, was not in the slightest degree crossed, and his testimony was not shaken at all; but on the other hand his testimony, from beginning to end, was clear, concise, straightforward, and unbroken.

Mr. DONOVAN. As his testimony will prove wholly and totally unworthy of confidence or credit, this inquiry is made in regard to this gentleman, Hardwig, because he was the commander-in-chief of all the forces that marshaled with the canvassers employed by the contestant in this cause.

Mr. POLLARD. The statement of the counsel for the contestee in this regard is exactly on a par with that in other regards. The fact is, that since the commencement of the examination of the witness now on the stand, this contestee, by his counsel, whether purposely or otherwise, I cannot say, has misstated the testimony of Mr. Hardwig with reference to every individual concerning whom he has asked; and he has not only misstated it directly, but he has given in almost every instance a statement diametrically opposite to that made by Mr. Hardwig; whereas in truth and in fact, this witness, in many regards, has substantially borne out, sustained, and supported the testimony of Mr.

swore that those parties didn't reside there, and for me to examine and find out all I could about them.

Q. That is every word that he stated about Mr. Hardwig?—A. Mr. Hardwig's name was not mentioned, I don't believe, ten times between us.

Mr. DONOVAN. I don't think I saw him five times to mention the subject to him.

The WITNESS. Yes; you have seen me, I think, four times.

By Mr. POLLARD:

Q. Now, this memorandum that you have used here in connection with your testimony, is a copy which you made from certain memoranda made during this investigation?—A. Yes, sir.

26 Q. When was this memorandum—this copy—made, with regard to the time of handing this memorandum to Mr. Donovan?—A. I didn't make no copy with the view of handing it over to Mr. Donovan. I told you I handed him all but about twenty-five cases on Friday last.

Q. When you handed Mr. Donovan that memorandum, you also handed him all the memorandum that you had made concerning all the names which you had there?—A. I gave him the list of the names, and a memorandum under each name, that I had anything to do with, except about some twenty or twenty-five that were on that list.

Q. Now, was this memorandum which you have read from this morning made before or after you gave that to Mr. Donovan?—A. Before, sir.

Q. This memorandum that you now have contains a great many more names than those whom you have testified this morning, does it not?—A. I don't know; I didn't keep track of them very well.

Q. Well, it contains the list of all the names which was handed to you except some twenty or twenty-five, whom you didn't see?—A. No, sir; it doesn't.

Q. Then, you didn't make a memorandum about every name which you had on that list?—A. I didn't make it in ink. I didn't think it worth my while.

Q. Now, what character of persons did you make a memorandum of in ink?—A. Them that I knowed was of sufficient service to the cause, to be of value to the cause in question.

Q. And you used your own judgment in that matter?—A. My own judgment, sir.

Q. Without any intimation from Mr. Donovan?—A. I had no intimation from Mr. Donovan any more than I have told you; in fact from the time I seen Mr. Donovan until I handed him the list, I never seen him to speak to him or do anything, or say what I was to do with them. He gave me the list and he trusted me to go around with it, and I did so; and it was Monday—last Monday a week was the first time he seen me afterwards; then he seen me next when I gave him the list on Friday; and this is the next time he has seen me since that time.

Q. Haven't other canvassers been over this ground, this same ground in the interest of Mr. Frost?—A. I don't know if he had any other party out; I don't know what anybody else did.

Q. You don't know anything about that?—A. No, sir; this list was given to me; I was to ascertain and find out in relation to those parties whose names were on that list; that is what I did; I don't know whether anybody else was out or not.

Q. When did you quit work?—A. I quit work last Thursday night;

27 to-morrow night it will be a week; it was the 24th when I got through reading them names out in the morning, reading them over for my own information; then I gave him the list.

Q. Do you know personally Stephen Howard?—A. I do, sir; he is night watchman in some city institution; the insane asylum, or some such places.

Q. How did you learn those facts?—A. Why, I live pretty near them.

Q. How near to them?—A. A few squares; been in company with one of his sons pretty near every night.

Q. What are their politics?—A. Well, I can't speak for the politics of the parties.

Q. Where does he live?—A. He lives at 2116 Division street.

Q. How many are there living there of the same name?—A. There is two Stephen Howards; the father and the son.

Q. And both live there at that house?—A. And both lived there at that house at the time of the election. Since then, somewhere along about the last end of November or beginning of December, the young Howard went out. I believe they are Democrats; they may be. Men sometimes are not what they profess to be.

Q. But you know of your own personal knowledge that young Stephen Howard resided at 2116 Division street in a one-story wooden house, and has resided there ever since?—A. I didn't say anything of the kind. I didn't say they lived in a one-story wooden house. I said that the father had built for him a one-story brick house. He was residing there, and the son was living there up to the time I am speaking of.

Q. When was that?—A. The last of November; somewhere about there; the latter part of November.

Q. Were you with him when he went away from there?—A. No, sir; he is a young man that I am not associating with; he is some 22 years old; somewheres along there.

Q. But you associated with some of Stephen Howard's sons, and you learned from some source that this Stephen Howard moved away some-time in November?—A. Yes, sir; we always know that around the corners.

Q. And you say this was not a wooden house?—A. I do, sir; I didn't say it was a wooden house.

Q. You say now that you stated in your testimony-in-chief that it was a brick house?—A. I do, sir; it wouldn't be possible for me to say it was a wooden house when I know personally and positively that it is a brick house.

Q. Do you know a man by the name of Frank Manley?—A. I do, sir.

Q. You know him personally?—A. Yes, sir.

Q. How long have you known him?—A. I can't state how long I have known him. I get acquainted with so many people in my business that it is impossible for me to keep accurate information. I might have known him five or six years.

Q. He lives on Biddle street No. 2122?—A. 2123 is the number.

28 Q. How many Frank Manleys are there living there?—A. Himself; even if he had a son of that name he couldn't be of age to vote, because his children are all small; that I know.

Q. There is no other Frank Manley living at that number?—A. Not to my knowledge, sir.

Q. Whereabouts does Manley live in that house?—A. He lives upstairs.

Q. Who keeps the house?—A. I couldn't tell you.

Q. Did you go upstairs when you made this investigation?—A. I did, sir; I went upstairs and spoke to him; he wanted me to stay and take dinner with him.

Q. He told you there was only one Frank Manley living there?—A. I didn't ask him any such question as that. I asked him how long he was living there, and he told me he was living there since June or July last. That he had to go down to the city hall, and he had had a little trouble to get registered; that there was a crowd when he got there.

Q. But he did get there?—A. Yes, sir.

Q. And you found no other man of the name of Frank Manley living in that house?—A. No, sir.

Q. This man Manley is a Democrat, is he?—A. I couldn't tell you what his politics is, either.

Q. Is he German?—A. No, sir; he is an Irishman.

Q. Do you know Michael Halley?—A. I don't know him, sir; I know of him.

Q. Where does he live?—A. I don't know where he is living now.

Q. Do you know where he did live on last election day?—A. Yes, sir; 2116 O'Fallon street. He used to live upstairs in that house.

Q. How did you learn that?—A. I went in and inquired.

Q. But you say he was not living there when you were there?—A. No, sir; he moved up on fourteenth day in March, 1881.

Q. How did you learn that?—A. The folks down-stairs told me that he moved on that day.

Q. Who lives down-stairs?—A. I don't know their names, sir; I didn't ask them.

Q. And you didn't learn where he had moved to?—A. No, sir.

Q. But you are quite positive that he moved on the fourteenth day of this present month?—A. From the information received, yes, sir; I am positive. I don't think that the folks had any occasion to tell me a lie. I remember it was a lady that lives down-stairs; I didn't ask her her name.

Q. And you don't know it?—A. No, sir.

Q. Do you know Jerry Savage?—A. I don't know him; not personally.

29 Q. Do you know where he lives?—A. I know the house that he is in now. It is on Eighteenth street, east side, between O'Fallon and Cass avenue.

Q. How long has he lived there?—A. Over a year; along there the way they told me.

Q. Who told you that?—A. His folks.

Q. What do you mean by his folks?—A. His family.

Q. What did his wife tell you?—A. I don't believe it was his wife; it seems to me it was his old daughter.

Q. Did you ascertain whether there was a young man of the same name living there?—A. I couldn't find out that there was any other man of that name living there.

Q. Did you learn what this man's occupation or business was?—A. No, sir.

Q. Was he a white man or a colored man?—A. From his name I suppose him to be a white man. I never knew of a negro having that name, and to live in that house. He is a white man, because there is no negroes living around there at all.

Q. And from these facts you infer that he is a white man?—A. Yes, sir.

Q. And did you also learn how long he had lived there?—A. I just informed you.

Q. How long?—A. About a year and a little over; along that way somewhere, I think it was; they told me.

Q. Do you know James Dillon?—A. Where does he live?

Q. Do you know any man named James Dillon?—A. Yes, sir.

Q. Where does the James Dillon live that you know?—A. Fourteen hundred and something North Twenty-third street, between Dickson and Cass avenue.

Q. How long have you known him?—A. For four or five years.

Q. What is his business?—A. Well, 'tends the cows, drives the wagon for a lady that keeps cows there; sells milk around to the neighbors.

Q. How long has he lived there?—A. He has lived in the present house, I believe it is—it may be two years built; I don't think it is any more than that.

Q. You have known him personally several years?—A. I have known him four or five years.

Q. How far is it from the place where he lived to the place where he lives?—A. It should be two blocks; but the other street aint cut through; it is just right straight up from me; it is a clear open lot with a few little shanties in the middle of it.

Q. Do you know where he lived before he went to his present place of residence?—A. Yes, sir.

Q. Where?—A. About half way up that street—Dickson street—if Twenty-fourth street were cut through. I guess in that case he would live on the east side of Twenty-fourth street. They would take the house that he is living in away from there.

Q. Is he a Democrat?—A. I couldn't tell you what his politics is, sir. I never seen the man vote in my life.

Q. You say that he moved to the place that he moved to some two years ago?—A. Yes, sir; I am positively sure that it must be two years.

Q. Do you know Daniel Martin?—A. I do, sir; I know him personally for about nine years.

Q. Where does he live?—A. Southeast corner of Twenty-fifth and Dickson streets.

Q. Did you say on Twenty-fifth and Dickson streets?—A. Yes, sir.

Q. What is his business?—A. He is a hod-carrier.

Q. You say that you think Hardwig knows him?—A. Yes, sir; I think that Hardwig knows him, because he used to interest himself in politics four or five years ago, and I presume they have often met.

Q. As brother politicians?—A. Well, I never knew the man to be a politician, only to interest himself and help a friend.

Q. How long has he lived where he now lives?—A. Well, I can swear positively that he has been living there five years in that house, and around there. There is a whole set of little houses built on the lot there.

Q. On the corner of Dickson and Twenty-fifth?—A. Yes, sir; and when he registered from there it was used to be called Twenty-third street, and still a great many people says it is Twenty-third street. You can stand on the northwest corner of Twenty-fifth and O'Fallon streets and you can look straight down to the middle of Twenty-third street and Franklin avenue and Morgan street. Twenty-third street

upon one side is Twenty-fifth street, and Twenty-third street upon the other, so there is a great many people that calls it Twenty-third street.

Q. Do you know where the dividing lines in the voting precincts is there?—A. The dividing line, the way that precinct 131 is, is O'Fallon on the south; Jefferson avenue on the west; Cass avenue on the north, and I think it is Twenty-fourth street on the east, if I don't make a mistake. I am not sure about the east. If I had been clerk of the election, I ought to remember it.

Q. Do you know Peter White, personally?—A. I do, sir.

Q. What is his business?—A. I couldn't tell you what his business is.

Q. Does he live at 1311 North Twenty-third street?—A. No, sir.

31 Q. Where does he live?—A. He lives at 1311 North Twenty-first street.

Q. Do you know whether he is a Democrat, or not?—A. I couldn't tell you.

Q. Do you know him personally?—A. I do, sir; I know him personally. I know his brothers are Democrats.

Q. Of what nationality is he?—A. He is an Irishman.

Q. Do you know what his business is?—A. No, sir.

Q. Do you know, personally, Dennis Stanton?—A. I do, sir.

Q. What is his business?—A. He hauls ashes, and half-trades in horses; things like that; does most any odd job for a living that is honest.

Q. Where does he live?—A. He lives on Montgomery street, west of Twentieth.

Q. Do you know how long he has been living there?—A. He has been living there, he says, for six or seven years. I was talking to him this morning.

Q. Do you know where he lived before he went there?—A. He used to live, before he went there—no; I don't remember where he used to live. Yes; I know he used to live on Dickson street, between Twenty-second and Twenty-third. He used to live on Division street a while. I don't know where he lived before he went there; but he moved up to where he resides now the time I told you before.

Q. Do you know, personally, A. L. McAllister?—A. No, sir; I don't know him personally; I know of him.

Q. Do you know where he lives?—A. I know where he lived.

Q. But you do not now know where he lives?—A. No, sir; I know where he did live. He used to work for the man that owns the house. He used to live at 2249 O'Fallon street.

Q. How do you know he used to live there?—A. I went in and inquired if he did not live there, and got that information.

Q. How long since he lived there?—A. The tenth of November, I believe it was.

Q. Who told you that?—A. The man's wife that owns the house.

Q. She was precise that that was the exact date?—A. She knew it to be the exact date.

Q. She knew it absolutely?—A. Yes, sir; she knew it absolutely. She said so.

Q. He then does not reside at 2119 O'Fallon street?—A. No, sir.

Q. You say he is very well known, this man?—A. Not to the older folks he is not.

Q. Is he a young man?—A. I don't know; I couldn't tell you; I don't know the man personally.

32 Q. Where does he live?—A. He lives on Dickson street, be-

tween what is now Twenty-second and Twenty-third; on the north side of the street.

Q. How many houses are there on Dickson street, between Twenty-first and Twenty-second streets?—A. Well, I never counted them; there is a whole lot of little shanties around there.

Q. And he lives on which side of Dickson street?—A. On the north side.

Q. Between Twenty-first and Twenty-second streets?—A. No, sir; between what is now called Twenty-second and Twenty-third streets.

Q. How many houses are there between Twenty-first and Twenty-second streets, on Dickson street?—A. Between Twenty-first and Twenty-second—there is not many houses there; that is, the houses that is built on Twenty-first street runs back to the alley; and the houses that is built on Twenty-second street runs back to the alley; there is a lot of little shanties scattered all along up there—all along Cass avenue, and they come to the north side of Dickson.

Q. That is between Twenty-second and Twenty-third streets?—A. No, sir; that is between Twenty-first and Twenty-second, that is what you asked me, and that is what I am answering.

Q. I mean that front on Dickson street, between Twenty-first and Twenty-second streets?—A. Well, they don't front on Dickson street.

Q. There are no houses fronting on Dickson street, as a matter of fact, between the streets I have named?—A. None that fronts on Dickson street; no, I don't believe there is.

Q. Do you know a John Galvin that lives there?—A. No John Galvin lives there; John Gavin lives there; he lives upon Dickson street and between what is now called Twenty-second and Twenty-third streets.

Q. But there is no John Galvin there on Dickson street between Twenty-first and Twenty-second streets, or along there anywhere?—A. No, sir.

Q. Nor does John Gavin live between Twenty-first and Twenty-second streets?—A. No, sir.

Q. Do you know, personally, O. R. McBride?—A. I do not.

Q. Do you know where he lives?—A. I don't know where he lives now; I know the house that he used to live in; I went there and was informed that he moved from there somewhere up on Division street.

Q. Who gave you that information?—A. A lady that is living in the house.

Q. When did he make that removal if you know?—A. They said it was some time in December, or nearly four months ago. When I was there it was nearly four months ago, they said at that time.

Q. She was not specific, was she, and tell you the exact day
33 like the other lady did?—A. No, sir.

Q. And you were there, you say, between the eleventh and the twenty-fifth days of March?—A. Yes, sir.

Q. You ascertained at 1223 North Twenty-first street that he had formerly lived there?—A. No, sir; I didn't say 1223.

Q. I wish the notary would refer to his notes, and see whether that is not just exactly what you answered me to my question?—A. I didn't say 1223; I stated to you 1323 North Twenty-first street; it is between O'Fallon and Cass avenue.

Q. That is the place where you made the inquiry?—A. Yes, sir.

Q. And it was not at 1223?—A. No, sir.

Q. Did you make any inquiry for him at 1223 North Twenty-first street?—A. I did not, sir.

Q. Do you know a man by the name of Jerry Galvin personally?—

A. No, sir; I don't know him personally, not to be personally acquainted; I have seen the gentleman.

At this point a recess was taken until two o'clock.

AFTER RECESS—2 o'clock p. m.

Cross-examination of BERNARD THOMAS FURAY resumed by Mr. POLLARD:

Question. I believe I asked you, before the recess, whether or not you were personally acquainted with Jerry Galvin?—Answer. And I said that I was not personally acquainted with him, but that I know him when I see him.

Q. Where does he live?—A. 2201 O'Fallon.

Q. How long has he lived there?—A. Since last summer; last June; along there in that neighborhood. I went all over that testimony to you; you asked me everything about that man.

Q. You learned all that you do know about him from some one there at the house?—A. I have been in the house as often as my fingers and toes.

Q. When did you learn all this about Mr. Galvin; that is what I want to know?—A. I couldn't state exactly the day I was there; I was around there pretty nearly every day, between Eleventh and Twenty-fifth.

Q. And you learned that from some one at the house?—
34 A. From the man that owns the house, Patrick J. Byron; he owns the house; there is a good many boarders, eighteen to twenty of them, and I was told that he come there some time in June or July.

Q. That is what Paddy Byron told you?—A. Yes, sir.

Q. Paddy Byron is the man who is sometimes known as King of Kerry Patch?—A. No, sir.

Q. Mr. Byron is a man prominently known in politics?—A. Well, I don't know that he is any way prominent.

Q. Well, he is considerable of a Democratic politician, is he not?—
A. I don't know that he is a politician at all. He is a Democrat; he takes a hand in all elections just as you and I do; goes and votes and works for his friends.

Q. Now, the list that Mr. Donovan gave you he told you was the list of names concerning which Mr. Hardwig had testified?—A. Yes, sir.

Q. Do you know J. W. Riley?—A. No, sir.

Q. In the testimony that Mr. Hardwig gave he said that he was informed that this man Riley did not live at 1902 Cass avenue; what did you learn about that?—A. I learned that he didn't live at 1902, but that he lived at 1952.

Q. Whereabouts? What part of the house?—A. In the second story, upstairs.

Q. Did you see him?—A. No, sir; I did not.

Q. How did you learn that?

Mr. DONOVAN. I desire here to state that the question asked you was in reference to his living at 1902, and the information was volunteered that Mr. Hardwig said that he lived at 1902. The counsel for the contestant very well knows that it was 1952 that was testified about.

By Mr. POLLARD:

Q. Now, what did you learn about Riley?—A. I learned that the

man lived there for nearly a year; that he was living there last fall; I learned that from folks living in the house.

Q. Did you go upstairs to see Mr. Riley?—A. No, sir; I found that he was not there; wouldn't be there until seven o'clock that evening. I don't believe he is a man of family; he only rooms there. I don't know where he takes his meals; he just has his rooms there; he might have taken his meals there for all I know.

Q. Who occupies the lower part of that house?—A. A shoemaker. I didn't ask his name; I seen his name posted on the door, but I have forgotten it.

Q. And he told you that he had been there something like a year, in his judgment?—A. Yes, sir; in his judgment.

35 Q. Did you learn from anybody else in that neighborhood anything about him?—A. I didn't think it was necessary.

Q. You just took the word of this shoemaker for it?—A. He had no object in telling me a lie. I asked him if the man lived there; he says he lived right over him in the next story.

Q. Do you know Michael Tarloting?—A. No, sir; I do not know him.

Q. What did you learn about him?—A. He lives at 2801 when he is in the city; 2801 Dickson street; he is a river man. I learned that from his wife; she told me she was his wife; that he lives there; that him and his family is living there.

Q. You don't know whether the person whom you saw is his wife or not?—A. I have her own words for it, that is all; I didn't see them married.

Q. And he works on the river?—A. Yes, sir.

Q. Do you know where he goes on the river?—A. From here to New Orleans and back.

Q. That is his headquarters there. Now, does he live at 2801 Dickson street or East Twenty-eighth street?—A. 2801 Dickson street.

Q. Where is East Twenty-eighth street?—A. This side of Jefferson avenue; that is, I never heard it called East Twenty-eighth street; I always understood them to be called by the names on the lamp-post; Twenty-eighth and Dickson, Twenty-fifth and Dickson, Twenty-sixth and Dickson, and so on.

Q. Now, what corner does he live on?—A. On the northwest corner.

Q. Of what streets?—A. Twenty-eighth and Dickson.

Q. Do you know James Moran?—A. No; I don't know that I do.

Q. You don't know any such man?—A. Where does he live?

Q. I ask you if you know any such man—any man by the name of James Moran?—A. Yes, I know a couple of James Morans; one of them lives way down near the arsenal.

Q. Where does the other man live?—A. He used to live on Cass avenue.

Q. That is all that you know, all that you have any knowledge about, as to Moran?—A. I don't know what Moran you have got reference to.

Q. James Moran.—A. Well, perhaps there is a hundred James Morans if you take the directory and look at it.

Q. And those are the only two that you know?—A. That is all I know personally. I know a good many men of the name of Moran.

36 Q. Do you know Michael Pendergrast?—A. No, sir.

Q. What did you learn about him?—A. I learned that he lived at 1900, I believe, or 1700, either one, Mullanphy street.

Q. What kind of a house did he live in?—A. A little bit of a one-story frame, half brick and half frame; moved two months ago; he moved out in the country.

Q. Who did you learn that from?—A. From the folks that lives in the house.

Q. They told you that he moved exactly two months prior to the date of your investigation?—A. That is what they told me.

Q. To a day?—A. I didn't say to a day; I told you just exactly what they told me.

Q. Who is living there now?—A. I don't know who they are.

Q. And you just simply went there to the house and asked if Mr. Michael Pendergrast lived there?—A. Yes, sir.

Q. And some one there at the door said he had been gone two months?—A. Yes, sir; they said that he had lived there since they had been living there; they said they had been living there about two months; 1710 Mullanphy street is where he lived.

Q. Do you know James Howard?—A. I know of him.

Q. Where does he live?—A. He lives about two doors north, three doors north, on O'Fallon, between Sixteenth street, on the west side; he lives up in the third story.

Q. Did you go into his room?—A. No, sir; I went to the door.

Q. Why didn't you go inside?—A. I didn't want to break a man's house down.

Q. Couldn't get in?—A. No, sir.

Q. Found the house locked up?—A. I found the house locked up.

Q. Where did you get this information?—A. On the other side of the hall.

Q. Who from?—A. A lady living there.

Q. Was there any man living at that number named James Howard?—A. I couldn't ascertain of any; I asked there and was informed that there was a man living of that name in such a room upstairs, and I went and found the door locked; I asked on the opposite side of the hall, and they gave me that information, and they told me that he had been living there nearly two years, and that I was the second or third man that had been asking for him.

Q. Well, at any other place did you find out anything from
37 any other parties?—A. No, sir; that is what I told you.

Q. At how many other places did you find that other parties had been there before you?—A. That is what they told me there.

Q. That is, then, the only place where the parties that you inquired of told you that other parties had been there before you inquiring?—A. No, sir; I don't say that.

Q. Did you find any other places that other people had been inquiring for those men that you were inquiring?—A. Yes, sir.

Q. In how many of the places?—A. A good many places.

Q. Do you know a man named William Dugan?—A. I do, sir.

Q. Where does he live?—A. He lives at 1312 North Sixth street.

Q. How long has he lived there?—A. Nearly a year.

Q. Do you know what voting precinct that is in?—A. I do not, sir.

Q. You don't know where the boundaries are there?—A. No, sir.

Q. Did you inquire for him at 1313 North Sixth street?—A. I did, sir; that is a midwife; he had lived there; he had left nearly a year ago; he moved across the street.

Q. Mr. Dugan didn't live there at the time, and hadn't been living there for some years?—A. I didn't say no such thing.

Q. What did you say?—A. I said that Mr. Dugan lived there; had been living there and moved nearly a year ago to just directly across the street; I said for one year, or nearly a year, he had been living there.

Q. He did not live at 1313 on election day last November?—A. He couldn't possibly be living at 1313 when he was living nearly a year across the street.

Q. Do you know Pat. Buckley?—A. I do not, sir.

Q. Did you inquire for him in your canvass?—A. I did, sir.

Q. What did you learn about him?—A. I learned that he was boarding at the southwest corner of Ashley and Biddle streets—Collins and Biddle, I should say.

Mr. POLLARD. The notary will please note the fact upon his record, that after the witness had testified that this gentleman resided on the southwest corner of Ashley and Biddle, that the counsel for the contestee told him that he didn't reside there, but did reside at another place; whereupon the witness took the statement of the counsel for the contestee.

The WITNESS. I desire to correct myself; it is on the corner
38 of Collins and Biddle that he does live.

Q. Which side of Collins does he live on?—A. Southwest corner.

Q. What is the number?—A. Well, there is one number which is 300 Biddle street; then there is another one which is eleven hundred and something Collins street; I forget now what this other number is, 1127 or 1129, or something like that.

Q. He doesn't live at 1200 Collins street?—A. That is a vacant lot—no; excuse me; there is no house there that anybody resides in.

Q. There is no such number as 1200 Collins street?—A. No, sir.

Q. Do you know a man named John Keily?—A. I used to know the gentleman, but I aint on intimate terms with him now.

Q. What is his business?—A. He is a hackman.

Q. In this investigation of yours, did you learn where he lived?—A. I did, sir.

Q. Where?—A. He lives upstairs; I can't think of the number; it is thirteen hundred and something; 1316 I believe it is.

Q. What street?—A. North Seventh street.

Q. Upstairs? What is underneath?—A. A stable.

Q. Who keeps that stable?—A. Himself and his brother.

Q. Is that Cullen & Kelly's stable?—A. If it was Cullen & Kelly's stable it couldn't be his; it couldn't be Keily's stable, if it belonged to Cullen & Kelly; this is on Seventh, between Biddle and O'Fallon, this stable that you refer to; this place that I speak of is between O'Fallon and Cass avenue.

Q. On Seventh street?—A. Yes, sir.

Q. Which side of Seventh street is it on?—A. East side.

Q. And this man Keily lives with his family up over this stable, does he?—A. His family is up over this stable, yes, sir; he lives up over the stable.

Q. How did you learn that fact?—A. I went in and asked if he was not living there.

Q. Did you find out anything about Pat. Reardon?—A. Patrick Reardon, I guess it was; well, what about him? He lives at 1410 North Eighteenth street.

Q. He does not live at 1420 ?—A. No, sir.

Q. And didn't live at that number on election day ?—A. He
39 couldn't possibly have lived there, when he was living for a year at 1410.

Q. How long has he been living at 1410 North Eighteenth street ?—A. Nearly a year.

Q. What did you learn about John Mulligan ?—A. John Mulligan lives at 1328 North Eighteenth street.

Q. How long has he lived there ?—A. Between thirteen and fourteen years ; along that way somewhere ; been raised by them people.

Q. He does not now, and never did live at 1338 North Eighteenth street ?—A. No, sir ; not 1338 ; it is 1328.

Q. Is there any such number as 1338 North Eighteenth street ?—A. I am not positive ; I believe there is ; yes, there must be ; it is pretty thickly inhabited there.

Q. Isn't it a fact that the numbers are mixed up there ; that they don't run as high as 38 between those two streets ?—A. I don't think it is a fact.

Q. Please be sure, if you can be sure.—A. I am telling you that I don't remember that it is a fact.

Q. You mean to say that there is such a number as 1338 North Eighteenth street ?—A. I didn't say no such thing.

Q. What did you say ?—A. I say I think there is.

Q. You are not positive about it ?—A. Not extremely positive about there being 1338, but I nearly believe there is ; it would only take five more houses to make that number.

Q. John W. McCarthy—A. I have John M. McCarthy ; he lives on the northeast corner of Twentieth and Biddle.

Q. How long has he lived there ?—A. Three or four years.

Q. You didn't make any inquiries for John W. McCarthy ?—A. There is no such man around there.

Q. Did you inquire for John W. McCarthy on the corner of Twenty-first and Biddle ?—A. I did not, because I know there is no such man living there.

Q. Do you know Dan. Kuchalan ?—A. I have seen him, but I don't know him.

Q. Where does he live ?—A. He used to live at 1107, I believe it was, North Twenty-second.

Q. When did he move ?—A. About eight or ten weeks ago ; two months ; along that way.

Q. How did you learn that fact ?—A. My folks live around there.

Q. Who did you learn that from ?—A. From a man that keeps a grocery store there, named Michael Hunt ; he knows the man ; deals with him.

Q. He moved about Christmas, did he ?—A. No, sir ; he did not. I didn't say so ; I said he moved about two months ago, or nine
40 weeks ; along that way, but no longer than that did he move away from there.

Q. Do you know Michael Kenny ?—A. I do, sir.

Q. Where does he live ?—A. He lives in Butchertown now.

Q. Where did he live on election day ?—A. He used to live at 2212 Division street.

Q. When did he leave there ?—A. Just before Christmas.

Q. How do you know that fact ?—A. Well, I knew he was going to move up there, for he told me so along about the first of December—along about there he told me he was going to move out there ; and

when to this place, they told me he had moved to Butchertown before Christmas—just before Christmas.

Q. The people in the house told you that he had moved just before Christmas?—A. Yes, sir.

Q. Did you inquire at 2124 Biddle street for James Smith?—A. 2124?

Q. Yes.—A. No, sir; I didn't inquire at 2124; I went into the man's house; he lives at 2122½; he owns 2124, though.

Q. But doesn't reside there?—A. I told you where he lived; that is all in one yard.

Q. Is it a fact that he resided at 2124 Biddle street, or not?—A. I told you where he lived; I told you he lived at 2122 and a half.

Q. Did you inquire at 1124 North Sixteenth street for John Dugan?—A. I did, sir.

Q. Did he live there?—A. No, sir; he lives right across the street at 1127.

Q. How long has he lived at 1127?—A. The folks told me he had been living there a couple of years.

Q. Do you know where the boundary of the voting precinct is out there?—A. No, sir.

Q. How old a man is he?—A. I don't know; I think he is about twenty-two.

Q. Did you inquire for Edward Nugent?—A. I did not.

Q. At 2524 Dickson street?—A. I did not.

Q. Why not?—A. Because it was not necessary.

Q. Did he live there?—A. Yes, sir; he did.

Q. You knew that?—A. I did, sir.

Q. And he still lives there?—A. No, sir.

41 Q. When did he leave there?—A. About two months ago.

Q. About Christmas time?—A. No, sir; not about Christmas time; I said about two months ago; two months ago would put it in January, wouldn't it?

Q. Was it in January? What date in January?—A. I couldn't exactly state the date, because I didn't think it was necessary to state the date exactly; I know he moved from there in the month of January. It is directly cat-a-cornered from my door.

Q. You are sure there is such a number as 2504 Dickson street?—A. Yes, sir; I don't know whether there is a number over the door or not; but there must be that number; it is but a few doors from the corner.

Q. What streets is it between?—A. Between Twenty-fifth and Twenty-sixth streets; isn't it? 2504 is west of Twenty-fifth street.

Q. Has Twenty-fifth street there got any other name than Twenty-fifth?—A. Some people calls it Twenty-third; the lamp-post and the city directory calls it Twenty-fifth street.

Q. Which side of Jefferson avenue is that on?—A. On the east side of Jefferson avenue.

Q. How many blocks?—A. Jefferson avenue there would be about Twenty-ninth street, I believe.

Q. Then it is some four or five blocks east of Jefferson avenue?—A. Yes, sir.

Q. Do you know personally John Maloney?—A. Yes, sir; I do.

Q. How old is he?—A. About 22; going on 22.

Q. You don't know his exact age?—A. I was not there when he was born; I couldn't get no record of it; I know him, though, for some considerable time.

Q. He is a Democrat, is he not? Has he not voted the Democratic

ticket?—A. I don't know whether he has or not; I know his father is a great big Greenbacker; I suppose the father controls the son.

Q. Well, did you find John Borus at 1526 North Sixteenth street?—A. There is no John Borus; it is John Barns.

Q. You found no such man there as John Borus, or anywhere else?—A. I didn't look for the gentleman, for no John Borus.

Q. Will you please answer my question, whether you found any such man there or any other place?—A. I didn't look for any such man at all; I didn't ask for any such man.

Q. Did you find such a man?—A. How could I find him if I didn't look for him?

Q. Do you mean in that circumlocution that you did not find
42 such a man?—A. I did not find such a man, for I was not looking for any such man; I said the man was not there—I could not find him because I didn't look for him.

Q. I simply want to know the fact. That is all I want to know. Did you find James Shay at 1615 North Sixteenth street?—A. I did not, sir.

Q. Where did you find him?—A. At 1316 North Sixteenth street.

Q. Did you learn how long he had been there?—A. Excuse me, what name did you call for? James Shay? I thought you said James Sheehan; I was going to correct it to S-h-e-a.

Q. I spell it with a y; I don't know whether you do or not.—A. Yes, sir, he has been living in the rear of that house for about four or six years.

Q. That is at 1316?—A. Yes, sir.

Q. 1316 North Sixteenth is three blocks from 1615, is it not?—A. It ought to be.

Q. And on the opposite side of the street?—A. Yes, sir. I have seen bigger mistakes than that made.

Q. Now, did you find Pat. Ryan at 2520 Cass avenue?—A. 2520?

Q. Yes, sir.—A. There never was a Pat. Ryan living there.

Q. Did you find P. Ryan?—A. No, sir; he used to live there; his name is Philip Ryan.

Q. He used to live there; did you learn when he moved away from there?—A. I don't know that personally; I don't know that; I know he was there, though, in December; the folks there said that he moved somewhere about Christmas; buried some of his folks and moved down in Frenchtown.

Q. You didn't find that he had lived there since Christmas?—A. No, sir; I didn't learn that he had lived there since Christmas; he comes up there to visit the folks.

Q. Did you find W. P. Eads at 1527 North Seventeenth street?—A. No, sir.

Q. Did you find Aleck Bonner at 1126 Collins street?—A. No, sir.

Q. Did you find Charles Morgan, 200 Ashley street?—A. I did not. I found that he moved into the alley after the election; a lady or woman in the house there volunteered that; and the house that she said he lived in was locked up.

Q. He moved out of it immediately after the election?—A. Yes, sir.

Q. They were all positive about that?—A. Yes, sir.

Q. What did you learn about John Maguire?—A. I understood that he was a partner or barkeeper for a man that keeps a saloon there, on
43 the northeast corner of Seventh and O'Fallon; and from information that I received from parties there that know him very well,

I was informed that he sleeps there behind that saloon, in a room there.

Q. What number would that be?—A. That ought to be 1300 North Seventh street; it is 620 and something on O'Fallon street.

Q. 620 and odd on O'Fallon?—A. Yes, sir.

Q. Did you find James Foley at 712 Biddle street?—A. No, sir; I found him at 716 Biddle street, and he has been living there for a couple of years.

Q. Did you find John Lee at 1212 North Seventh street?—A. John Lee?

Q. Yes, sir.—A. I did not, sir. I didn't find no John Lee. John Lee used to live there, but moved up on Eighth street; I found Michael Lee was still living up there at that number.

Q. What did you find out about John Lee?—A. I didn't ask anything about him; I didn't find out anything.

Q. You didn't find out that he had ever lived there?—A. I am after telling you that I was not looking for John Lee; I told you that he had lived there, but moved up on Eighth street, between Cass avenue and O'Fallon street, four or five or six months ago; I did not look for him; I was looking for Michael Lee; and I found Michael Lee living there in them premises five or six years, and living there yet.

Q. Did you find William E. Marlow, 1227 North Fifteenth street?—A. No, sir; I did not; but William E. Marlow lived there until about two months ago, when he moved to Eighteenth street, one or two doors directly north of Biddle, on the west side.

Q. How do you know that?—A. From folks that lives there, and folks living right alongside of him.

Q. What month did he move in?—A. In the latter end of January, or first of February, I couldn't tell you exactly; it was either the last week in January or the first week in February.

Q. And it was either one or the other?—A. It was either one or the other.

Q. Did you find P. C. Morris at 1225 North Sixteenth street?—A. No, sir; he has moved.

Q. Did you find John Frevant, 1237 North Seventeenth street?—A. That is where he lives, sir.

Q. How near is that to the corner of Seventeenth and O'Fallon streets?—A. I guess about twenty-five feet south of it; there is a coal-yard right on the corner; and he lives next door to it; he runs the coal-yard.

Q. Do you know how long he has been living there?—A. They say he has been there five or six years; I don't know the man personally.

Q. Who says that?—A. I believe it is his wife.

44 Q. His wife told you that?—A. I believe the lady is his wife; she says she is.

Q. Did you find George Dotzler, 1903 Carr street?—A. No, sir, I did not; he is living at 1907 for nearly two years, between eighteen months and two years.

Q. So he couldn't have lived at 1903 on election day?—A. Certainly not. How could he?

Q. Did you find Mr. M. J. Doolittle, 1200 Madison street?—A. I did not, sir. He went to his home in Indiana about four months ago, I believe the lady told me; she said it was between three and four months that he went to his home in Indiana; she says it was just before the holidays; that is what she told me.

Q. Did you find Pat Quirk, 3505 Broadway?—A. No, sir; I did not.

That gentleman has been moved since the first of the new year to the northeast corner of Broadway and Salisbury street.

Q. Did you find Edward Martin at 3610 Broadway?—A. No, I believe not. I believe that is the gentleman that is living in the rear of 3607.

Q. That would be on the other side of the street, wouldn't it?—A. Yes, sir.

Q. Is there any such number as 3610 Broadway?—A. I believe there is; there ought to be.

Q. State whether you have any personal knowledge on the subject.—A. I have got no personal knowledge on the subject, nothing more than that I would walk up there and ask at the different houses for the gentlemen, and I would thus ascertain in what number this gentleman was living; this I did, and learned that he was living in the alley there, in the rear of that little post-office, I believe it is.

Q. I asked you whether you had any personal knowledge as to whether 3610 was a vacant lot?—A. No, I don't think it is a vacant lot; I went to the house that ought to be 3610; the number is along there; the number should be there, if you go there and ask for information.

Q. Did you find Michael Gilford on the southeast corner of Second and Augusta street?—A. I did not, sir; but I ascertained that that gentleman had been living for over a year on the southeast corner of Second and Ferry streets.

Q. Did you make any inquiry for Michael Gilfoil?—A. I did, sir; and for Michael Gilford.

Q. And you didn't find any Michael Gilfoil there?—A. No, sir; I found Michael Gilford; I found nobody by the name of Michael Gilfoil.

Q. Did you find J. J. Moran, 4115 North Second street?—A. He had been living there; he lived there last fall.

Q. I asked you whether you found him there now?—A. I couldn't find him there when he has gone to Memphis.

Q. He moved away from there, did he?—A. Yes, sir; at that time they said it was about four or five weeks; that must be about the fourteenth or fifteenth of March that I was there; he was living there in January.

45 Q. Did you find John Carr at 4230 North Second street?—A. No, sir; I found John Carr lives in the rear, as I said before, south of Ferry, between Second and Broadway.

Q. Did you find A. Hildebrandt, 2207 Biddle street?—A. No, sir; he was kicked out for not paying his rent in December.

Q. That you learned, you say, from some parties there?—A. From the lady that owns the house.

Q. Did you find Michael Shaub at 1336 North Twelfth street?—A. I found Michael Shaub at 1333 North Fifteenth street; I was informed that he moved from 1336 North Twelfth street between three and four months ago.

Q. Who informed you?—A. A lady which I supposed to be his wife.

Q. You said in your examination-in-chief that he didn't change his registration?—A. That is what the lady told me.

Q. And consequently that he didn't vote at the election; that was the reason?—A. No, sir; I didn't say any such thing; he expected to move again, and he didn't intend to have the same job and register the second time.

Q. Did you learn from her whether he had moved before or after that election?—A. She told me that she was in that house four months; that was last Wednesday that I was there, this day a week ago.

Q. Well, then, what necessity was there for his having his registration changed last fall?—A. No necessity at all last fall; she wanted to know what I wanted to see him about, and I told her it was about his registration; that is how that come about.

Q. Did you inquire for John Lawless, 1228 North Twelfth street?—A. I did, sir.

Q. Or Jacob Lawless?—A. Jacob Lawless.

Q. You inquired for Jacob Lawless?—A. I inquired for Jacob Lawless.

Q. And you found that he lived there?—A. Yes, sir.

Q. Did you inquire for John Lawless at that number?—A. I did not make any inquiry for John Lawless.

Q. Did you inquire for John Lawless at that number?—A. I was not asked to inquire for John Lawless.

Q. Please answer my question?—A. I have already answered it; I didn't inquire for any man that I had no knowledge of. You ask me fifty-five thousand times over the same question; what is the use of that, and try to make me contradict myself? I told you that I did not inquire for him.

Q. Whether he is dead or living, you don't know?—A. Well, I should think that I wouldn't know, when I didn't make it my business to find out.

Q. And you were not informed by Mr. Donovan that it was John Lawless whom Mr. Hardwig testified about as having been there?
46 —A. No, sir; I was not informed by anybody particularly; I was just given a list and told to ascertain whether them parties lived there or not; he didn't speak about any particular man to me.

Q. Did you find Charles H. Watkins, 1505 Saint Louis avenue?—A. I did not find him there, sir; I found that he lived there at one time, but had moved between two and three months ago; they couldn't inform me where he had moved to; they thought he had moved somewhere on Sullivan avenue; but they couldn't inform me exactly.

Q. Did you find Con. Casey at 1805 Exchange street?—A. No, sir; I did not; I ascertained that the gentleman lived between Eighteenth and Nineteenth streets on North Market, and had been living there for a couple of years.

Q. Well, you went to 1912 Benton street, and they there refused to give you any information concerning Tim. Mooney?—A. They wouldn't give me any information at all; they would not talk at all; there was an old lady there, but the children bothered so, she wouldn't give me any information; so I went next door, and they told me the man was living there at 1912.

Q. You say 3232 Sheridan avenue used to be 3224?—A. No, sir.

Q. And it is not?—A. I say that William J. Pentland lives at the old number, that his old number used to be 3224, but it has been changed and is at present 3146; I don't know how long they have lived at that number.

Q. Do you know whether there is any such number as that I have named?—A. I didn't look for it.

Q. Do you know whether there is any such number or not?—A. I don't think there is.

Q. Now, the information that you gathered with regard to most of these names, and in fact all these persons whom you have testified about, you gathered from persons living around in the neighborhood where you inquired?—A. From people living in the houses, and from my own personal knowledge of the people.

Q. How many people did you know personally?—A. Well, I know a good many; I don't know how many there were; I gave you all the names of people that I knew personally; if all the people in this town that I know would vote for Overstolz they would surely elect him.

Q. I will ask you whether there is any such number as 1816 Benton street?—A. There is, sir.

Q. Is there any such number as 1806 Benton street?—A. No, sir; not that I know of.

By Mr. DONOVAN:

Q. Did I ask you about all the names that you investigated?—A. No, sir.

Q. Did you make any inquiry in regard to Francis Costello, 47 Twenty-second and Biddle street?—A. I did, sir.

Q. Mr. Hardwig made his usual faithful report of that name, what did you ascertain in regard to that gentleman?—A. I found that gentleman is living in the rear of 2128 Biddle street, and his wife says that they have lived there, it is very nearly nine years, in that one place.

Q. I notice that in the cross-examination of Mr. Pollard, you had very little necessity of referring to any notes in answering his questions; what does that arise from, Mr. Furay?—A. Well, I have got personal knowledge of a good many; I suppose I have got a good retentive memory to help me along somewhat.

Q. And a very extensive acquaintance throughout the city?—A. Yes, sir; a pretty good acquaintance.

Q. And you think that if Mr. Hardwig had made the same effort that you did he would be very apt to find all these people where you found them?—A. I presume anybody that wants to come with me, I can bring them to the same places.

Q. And show them these people where you placed them?—A. Yes, sir; and show them these people just exactly where I said I found them.

Q. And living where you swear they are living?—A. All of them is living where I said they lived; that is, if they have not moved away in the last week or two.

By Mr. POLLARD:

Q. Did you find G. Gray at 2214 Sullivan?—A. No, sir; I found him at 1422 Sullivan avenue.

Q. If he had been registered from 2214 Sullivan, he was registered from the wrong place, wasn't he?—A. He might have registered himself all right, and the clerk might have made a mistake; he is not living at 2214, he is living at 1422.

Q. But he was not living at 2214 Sullivan last election day?—A. No, sir; he was living at 1422.

Q. Now, isn't it a fact that during this cross-examination you have used your copy of your memorandum but very little, simply because you are pretty thoroughly studied up in its contents?—A. No, sir.

Q. It doesn't demonstrate that at all?—A. No, sir; in fact I gave very little study to it, no more than to go there and ascertain and make the minutes, and until to-day I didn't bother my head to look at it again.

Q. I understood you to say that you are a painter?—A. Yes, sir.

Q. How long have you followed that trade?—A. For fifteen or sixteen years.

Q. Who have you been at work for recently?—A. The last work was for Hinn.

Q. When did you quit work for him?—A. Last summer.

Q. What business have you been in since that time?—A. Working over the river, working in the freight depot.

48 Q. In Illinois?—A. Yes, sir.

Q. When did you quit your work over there?—A. I quit work over there on the fifth of February.

Q. And from that time, until you were employed by the contestee in this matter, you were not engaged in any business?—A. Yes, sir; I was engaged watching my child that was dying from being burnt; that was the business that I was engaged at, or I should have been working; that is what caused me to quit.

Q. Over in Illinois?—A. Yes, sir; on the fifth day of February my boy was burnt at home, and since then I couldn't do much work.

Q. What was the cause of your quitting Hunn?—A. He had nothing to do.

Q. Business run out?—A. Yes, sir. I could go back and work for him as soon as I can get a chance to work in the day-time.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Thursday, March 31, 1881, then to be continued at the same place, at the hour of ten o'clock of the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County Saint Louis, Mo.

Term expires March 13, 1882.

No. 41.

Pursuant to adjournment, as above stated, on the 31st day of March, 1881, at the hour of ten o'clock in the forenoon, I continued the taking of these depositions, as follows:

1 HENRY SWITZER, being produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name?—Answer. Henry Switzer.

Q. Mr. Switzer, how long have you lived in the city of Saint Louis?

—A. Well, some thirty-odd years; thirty to forty years; I can't tell you exactly now.

Q. Were you a member of the board of revision that sat just prior to the election of November 2 last?—A. Before the fall election?

COUNSEL. Yes.

A. Yes, sir; for the Fifteenth ward.

Q. Were you acquainted with the members of the board of revision?

—A. I was acquainted with most of them; not all personally; I think nearly all.

Q. What, in your judgment, was their standing in this community as citizens?—A. Well, all that I personally knew I thought were very good men; I never heard anything against any of them.

Q. Were you ever a member of any previous board?—A. Yes, sir; I was on the board of revision previously.

Q. How did this last board of revision compare with the other boards of which you have been a member?—A. Well, this was equally as good a one as the one I was a member of before; I don't know if it is any better. I don't recollect who was on the board two years before that.

Q. Did you note any disposition, during the proceedings of that board, to act in a partisan way or unfair way in conducting their proceedings, or in the order of making their revision?—A. No; I don't think there was any; there was a complaint came in against one gentleman, but what foundation there was to it I don't know anything about.

Q. Who was that gentlemen?—A. Mr. Springmeyer.

Q. What was his politics?—A. I don't know whether I know that.

Q. If he stated that he was a Republican would you believe it?—

A. I would have to; I don't know that I can contradict it.

Q. What was that complaint against him?—A. Well, there was a list brought in there by somebody of thirty or forty names; I don't exactly recollect the number; I paid but very little attention to it. It was referred to the recorder of voters, finally, because it came in on a list and was not handed to us until it was too late—not until we had got through. It was said to contain a list of names which it was represented ought to be stricken off, and that had not been stricken

2 off by the reviser. There was no action taken on it, from the fact that there was no name attached to it—that is, no name of the party who presented it.

Q. That complaint was brought in by a Democrat, was it not?—A. It was brought in by Mr. Gonter. It was left with him, I don't know by whom. I don't know who made the complaint.

Q. But the complaint was that Mr. Springmeyer, the Republican

reviser of the Twelfth ward, which was a Democratic ward, had left Republicans on the list who should have been stricken off. Is that the nature of the complaint?

(Mr. Pollard, counsel for the contestant, objects to the question, because it is leading.)

A. I don't think I can state what was the statements in relation to it.

By Mr. DONOVAN:

Q. But that was the only complaint that was ever made in the board?

—A. That was the only complaint that I heard in the board—all that I know of, that I have any recollection of coming at all, except one against myself, which was a Democrat I had stricken off wrongfully. There was two of the same name; they came in and told me that I had stricken off the wrong name. There was two men of the name of Hoffman, and one had moved away and the other hadn't, and it seems I struck off the wrong man. I placed him on again, and that made it all right.

Q. And the man you struck off was a Democrat?—A. Yes, sir.

Q. And you are a Democrat yourself?—A. Yes, sir.

Q. Is your ward in the third Congressional district?—A. No, sir; it is in the first; that is, it aint all in the first; part of it is in the second. The Congressional line runs through the ward.

Q. How many assistants did you employ in the work of revision in your ward?—A. I had two assistants.

Q. Did you or did you not supervise their work?—A. Yes, sir; I supervised their work; looked over it as they made their returns. I took it upon myself to go and merely look over the work and see that there was no mistake in it. It didn't take me as long to do that as it would have taken to hunt up the names. I did both. The men done their duty, and I never found anything wrong in it.

Q. How many complaints did you have against your action as a reviser altogether?—A. Nary one.

Q. Except the one that you have mentioned?—A. Except the one that came to me. He didn't make the complaint to the board; he made it to me. I knew the man very well; but I had stricken off the wrong man because I had made a mistake. They both lived close together.

Q. Do you know how many voters there are in your ward?—
3 A. In the whole ward?

COUNSEL. Yes.

A. About twenty-two hundred, I think.

Q. And about how many did you cause to be stricken off?—A. Well, I don't believe I can tell that now. I think it is somewhere in the neighborhood of three hundred.

Q. Do you know what the politics of the three hundred were?—A. No, sir.

Q. Did you make any inquiry as to the politics of a single man where you had to strike him off?—A. No, sir. I never looked for that at all.

Q. You were simply trying to do your duty as was prescribed by law?—A. That was all my course anyhow.

Q. You reported the names to the board?—A. Yes, sir.

Q. And the board, under the rule, struck off all that you recommended?—A. The board, under the rule, sanctioned my report, and it was adopted.

Q. It was published in the newspapers?—A. Yes, sir; the same as they did all the others, in the newspapers.

H. Mis. 27—129

Cross-examination by Mr. POLLARD:

Q. Are there more Democrats or Republicans in the Fifteenth ward?

—A. There is very little difference between them. I don't think there is over fifty or sixty one way or the other. There is not much difference.

Q. Do you know the politics of the members of that board?—A. I don't know that I do now, exactly. I might have known pretty near at the time; but I think it was pretty evenly divided. Perhaps there was a few Democrats more than there was Republicans. I don't know. Not many, though, I don't think.

Q. You say you knew more than one-half of them personally?—A. Yes, sir; I knew them. A great many of them had been on the board of revision before with me.

Q. Among those whom you personally knew, how many were Republicans?—A. I don't think I can tell. I know several. I don't think I can come anyways near it now. In fact, I couldn't name over the names of the revisers now; only a few of them.

Q. Well, the names that you now think of, are they Republicans or Democrats?—A. Some of them are Republicans and some of them are Democrats.

Q. Who were the Republicans?—A. Mr. Parker—well, if I look over the list I can recollect something about them, but I can't tell without.

There is some of them I didn't know their politics, and I wouldn't, of course, know them now. Parker was a Republican. Herman Stamm was a Republican. Jacob Kern, I believe, is a Republican; I aint certain. Springmeyer is a Republican; so I have understood; I don't know Mr. Springmeyer personally; I know him when I see him; that is all. Kortjohn; I don't know whether he is a Republican or not; it strikes me he is, but I may be mistaken. Stolteleben, I think, is a Republican, but I may be mistaken. Meyer, I believe, he is a Republican. Hornsby is a Democrat; both Hornsbys are Democrats; that is all I can state now; there may be more.

Q. Stolteleben you don't know, of your own knowledge, to be a Republican?—A. No, sir; I do not.

Q. And how about Stamm?—A. Stamm is a Republican.

Q. He is a Republican?—A. Yes, sir.

Q. You know that?—A. Yes, sir.

Q. And Kern?—A. I aint positive about that; I said I didn't know about that; he may be; I am not familiar enough with them to know what their politics are.

Q. What was your method of proceeding in making up that revision last fall, Mr. Switzer?—A. Well, mine was—I can't tell about the balance—so far as I was concerned, it was to canvass the ward and find who had moved, who was dead, and such as were removed and dead, and others that were not entitled to vote in my ward, I would make a report of to the board.

Q. Who were these men that you employed to canvass your ward for you?—A. Mr. Robert Humphreys was one; the other gentleman's name I have forgotten; he is a man that is engaged in the book business.

Q. And Humphreys was the other man?—A. The other man lived on Chouteau avenue.

Q. What is his business?—A. Humphreys has been a deputy around the marshal's office and the sheriff's office, and one thing and another of that kind for several years, I believe.

Q. Do you know what their politics were?—A. Humphreys was a Democrat. I don't know what the other man was as to politics.

Q. Who recommended these men to you, Mr. Switzer?—A. I don't think anybody recommended Mr. Humphreys to me; I just gave him the job; he wanted some employment, and I gave him that; he was not doing anything; the other man—I forget now; I think it was Mr. George Daussmann.

Q. Who is Mr. Daussmann; what is his business?—A. I believe he is in the real-estate business or something; I don't know what he is doing now.

Q. Is he a member of the Democratic central committee?—A. No, sir; no, he has never been on the Democratic central committee.

5 Q. Well, now, how did these men make this canvass; did you go with them?—A. No, sir; I didn't go with them all the time; I gave them a district—an election district—gave them a book and told them what to do, and they went around and made out the lists and brought it to me; I went around after them the next day before I would give them another district, and found out whether the last list was correct; when I saw the names and residences I could go through the district very soon, and I always found their work correct.

Mr. DONOVAN. That is, you went after their work was finished?

A. Yes, sir; after they had went and canvassed the ward and found out the residences, and so on; those that had removed, and those that were dead, that was in their lists when they brought them to me, and the next day I would give them another district; I could go through them two districts in a day.

By Mr. POLLARD:

Q. Did they go together?—A. No, sir; they went in different districts.

Q. And you, after they had made their reports to you, went to the places from which they said in those reports that the voters had removed?—A. Yes, sir.

Q. And places where they said the voters were dead?—A. Yes, sir.

Q. Those are the places that you visited?—A. Them I visited, and the neighborhood, and found out.

Q. But you didn't attempt to visit any places except those that they had designated in their report, where there had been the residences of people, but who were, for some cause, not there?—A. Oh, yes, I did; as I went through the district I made general inquiry all over when I went to see these parties if they were correct; then I would generally inquire in regard to the other names that were on the list.

Q. The whole list?—A. Yes, sir.

Q. Every man on it?—A. Every man as near as I could; I knew a great many people in the ward; I am pretty well acquainted in the ward; it was not necessary for me to go to every house for persons that I knew were living there; sometimes for whole districts I would know everybody that lived in it.

Q. But you did go to every place designated by the report of your canvassers as a place from which men had either removed or died?—A. Well, I went so far as to satisfy myself that it was a fact; I would get evidence from some person in the neighborhood that I had confidence in, some person that had lived in the neighborhood; perhaps I didn't go right to the man's house—to every man's house; a great many of them I know myself; such men as were dead I knew generally to be dead; I simply confirmed my knowledge by asking directly, and getting their full names.

6 Q. The Missouri Republican, on the morning of the election,

reported that you had stricken off 475 names in the Fifteenth ward; was that correct?—A. Well, I don't know; I can't state; I was under the impression that it was something between three and four hundred, but not much over three hundred; I have got a list of it at home.

Q. There is the list, the bottom one, that was published in the Missouri Republican (handing small pocket-book to the witness containing a list of wards with the various numbers stricken off in each ward).—A. This may be correct; I can't say exactly; I think I have got the list at home; it is 400 and 70 something here; well, I won't say that that aint correct; that may be correct; I was only under the impression at the time that it was only some three hundred and odd.

Q. I will ask you, Mr. Switzer, after you had appointed these canvassers and sent them around and they would come back and make their reports to you, whether you considered it your duty under the law to scrutinize and investigate the facts which they had reported to you; or whether, in your judgment, it would have been proper to have taken their reports absolutely without any further investigation?—A. Well, I took it upon myself to look over it and investigate it, and see whether it was correct or not; some men might have thought it was correct if they had confidence in their men, that their reports were correct; I had confidence in my men; but still I thought it better to go over their work.

Q. You deemed that under the law you should be the arbiter and the final judge of the men's franchises; that you should personally know something about them?—A. Of course I was the responsible party for the revision of that ward, and considered myself so; I didn't like to make a report that I didn't know anything about; that I didn't have sufficient evidence to satisfy me that it was correct.

Q. You say there was one man named Hoffman complained to you that he had been improperly stricken off?—A. Yes, sir.

Q. And you, of your own motion, replaced him on the list?—A. Well, I could only correct it; there was two Hoffmans; now I forget their first names; but I know both personally; they live on Dillon street, and they live close together; one of them had moved away; they were both of the same name exactly, and I struck off the wrong one; he saw it published in the papers the next day, and he come to me and told me that I had stricken him off, that it was the other Hoffman that had moved, and who ought to have been stricken off; so I placed him on again, and struck off the other man.

Q. And you did it of your own motion?—A. Yes, sir; I did it of my own motion; I reported it in my report that I had reinstated such a man, and had stricken off such a man.

Q. Do you know from the information gathered by associating
7 with the other members of that board how they did their work of revision?—A. No, sir; I do not; I never inquired particularly into the way they had done their work; there was a member from the Fifth ward sitting close by me; he asked me—he had never been on the board before—he asked me the course that I pursued; I told him just about what I have told you; that is all I know; none of the rest of the gentlemen, that I recollect of now, asked me; because we had but little time when we went there; we went on the business that we had to transact, because we always met late in the day, and had to get the work through; it is a pretty considerable job to canvass a ward in ten days and make these reports; the fact is, no man can do it all by himself.

Q. But you, in fact, did it in eight days?—A. Yes, sir; we did it in

eight days; we had an intervening Sunday, and we couldn't work the first day either; I reckon we had but eight days; it was a very hard job of it; no one couldn't do it alone, unless it was in one of these "cabbage" wards, as they call them, where there are only a few voters.

Q. Where there are only thirty-seven Democratic voters?—A. Where there are only thirty-seven voters; yes, sir; I think a man could do such a ward very easily in that time.

Q. On what day did you make your largest report of names to be stricken off?—A. Well, I don't believe I can tell that; some days we got in a good many names, and then at night I wrote out the names for the report; some days we would get in two districts and some days but one.

Q. How many districts are there in your ward?—A. There is nine; and some days it would be a district, and a part of a district that we would report on; the next day we would finish out the other district; so that on some days I would not have as many names as on others; but I can't tell you which was the largest.

Q. Was it not, as a matter of fact, on the last day?—A. No; I don't think so, now.

Q. What method had a man to pursue who was improperly and wrongfully stricken off from the list on the last day of your meetings in order to be re-enfranchised?—A. I don't suppose he had any, unless he could register on the day of election.

Q. Could a man whom you had stricken off, under the law, register on the day of the election?

Mr. DONOVAN. I object, because the witness doesn't claim to be a lawyer or judge, and the counsel for the contestant is asking him for his opinion on the law.

A. I don't know that; I don't know whether I am sufficiently informed on that subject to decide that question.

Q. What effect would your revision have had if all those who had been stricken off could have, under the law, reregistered on election day and voted?—A. Well, if they had been all registered again that had been stricken off the revision would of course have been
8 worthless, and of no account; but some might have been wrongfully stricken off, and in that event could not have registered or voted on election day.

Q. Then your revision would have affected them any way?—A. There are points that I don't feel competent to decide, and I don't like to give any answer. I don't believe that I am sufficiently versed in the law to answer those questions.

Q. Didn't it operate in this way, as a matter of fact, that all those individuals who had been properly stricken off, if they desired, could and did reregister on the election day and vote, whereas this honest man, who had been stricken off, took the law for granted, and staid away from the polls, and did not vote?—A. I don't believe I understand that question sufficiently to answer it.

Q. Is there anything under the law which prevented a man, if he desired, to go to the polls on election day, to reregister and vote?—A. I don't know what the law is on that subject.

Q. Don't you know that it operated in that way, as a matter of fact?—A. That they could not register?

Q. Don't you know of your own knowledge that many men who had been properly stricken off by this board of revision did afterwards go to the polls on election day and register and vote?—A. I don't think

there was any one in our ward that I recollect of. There was very few registered there that day. I don't think there was any one registered there that day, except those who had not had an opportunity to register. I don't think there was any one, because where a man was stricken off he couldn't register that day, unless—

Q. Did you visit all the nine precincts of your ward on election day?—A. No; I don't think I did all of them. I was in several of them that was close around.

Q. When you say, then, that no one did register on election day in that ward who had been stricken off you mean to your knowledge, of course?—A. I saw the list that was registered in Mr. Gonter's office that was returned there, and I looked over it, and there was not any that I recollect of.

Q. Could you remember the 475 names that you had stricken off?—A. Well, no; I can't. As I said before I don't recollect, but there was very few registered in the ward on election day; very few. I don't know what it was in other wards. I believe there was a good many registered in some wards, but personally I know nothing about that.

Q. Wasn't there in your ward a majority of some eighty odd for the Garfield electors over the Hancock electors?—A. Over Garfield! You mean for Garfield over Hancock in our ward?

COUNSEL. Yes.

A. No; in our ward there was a majority of Democrats, in my opinion, for the Presidential electors.

9 Q. Are you sure about that?—A. I think so, sir; yes; Captain Mason got a majority. I think he and Harris were the only Republicans that got a majority in our ward.

Q. Mason is a Republican candidate for sheriff, or was?—A. Yes, sir.

Q. How much majority did he get in that ward?—A. I think thirty-nine or forty; somewhere along there.

Q. Did Mr. Thompson, who was candidate for judge of the court of appeals, get a majority in your ward?—A. Yes, sir; I think he did; I think he got a majority.

Q. Mr. Harris, who was the Republican candidate for prosecuting attorney, got a majority in your ward, you say?—A. Well, now I am not sure about that. I think not. I didn't charge my mind with it. I don't recollect what the majorities were in the ward at that election, but my impression is that it was generally Democratic, except Mason and Thompson, and they both lived in the ward. They both got majorities there.

Q. In making this revision after these canvassers whom you employed had gone over the ground you took their reports, and the next day you went over the ground that they had gone over the day before?—A. I went all over the districts in the ward—all of them, and satisfied myself from the evidence that I got of the names which they had stricken off as being correct before I reported them.

Q. What is your business, Mr. Switzer?—A. I have been steamboating all my life, except the last five or six years. Since then I have not been in that business.

Q. What are you engaged in now?—A. I am not engaged now at anything.

Q. What was the method of the board—what was their method of procedure, sitting as a board, Mr. Switzer?—A. In relation to the reports?

COUNSEL. Yes.

A. Well, the reports were handed in and the number of names stated that were stricken off in different ways; some removed; some dead; some not found at certain numbers; some not found anywhere; total, such a number; the names were not read over; there was generally all the names submitted, but not read over and the report adopted and ordered to be published in the papers so that every man could see whether his name was stricken off the list or not.

Q. What paper were they ordered to be published in?—A. I think it was the Saint Louis Times at that time. They did the city printing. It was in the paper that had the contract for doing the city printing.

Q. That paper had the least circulation of any morning paper in the city, had it not, and has since that time died for want of support?—A. I don't know about the circulation exactly. Perhaps it had the least circulation. It had the city contract. That is all I know.

Q. Well, it has since that time died?—A. Yes, sir; I believe
10 it has. I think it has gone by the board.

Q. When you found, for instance, that John Smith, who was registered as of 2500 Dillon street, had moved to 2504 Dillon street, did you erase his name?—A. No, sir.

Q. What did you do with it?—A. I just changed his number.

Q. You changed the number yourself?—A. Yes, sir; and reported it to the board.

Q. When you found that he had moved from 2500 Dillon street to some other street in your ward, what did you do then?—A. I didn't erase his name.

Q. But that, in fact, operated as an erasure of his name?—A. Of course that was by resolution passed by the board; a resolution of the board that the reviser had no right to change the residence or correct the removal of any man who had removed out of his district. In his own district they had the right to change his number. That was the way I understood it.

Q. I wish you would tell me what that resolution adopted by this board of revisers was in full, if you can remember it?—A. I can't do that; but that was my understanding of it. The revisers in making their revision, when they found a man was moved from one house to another in the same district, they had a right to change his street and number; but where he had moved out of the district they had no right to change it. They only marked him removed.

Q. Although the reviser knew that he had only moved across the precinct line?—A. Yes, sir; because it was his place then to go and make his removal himself. That was my understanding of the instructions in the matter.

Q. So, then, if on the last day that you met, you reported and marked down John Smith as removed, when you knew, as a matter of fact, that he had only removed across the street, but had moved from one precinct to another, then under the law he was disfranchised, was he not?—A. I didn't take it that way. I take it that then the law throws the responsibility on himself to correct his registration.

Q. But I understand you that he could not do that after the board had finished its work; that he could not then correct his registration?—A. That was my understanding of it, that when he moved out of the district that the reviser had no right to change his registration; that he must change it himself.

Q. And there was no chance for him to make that correction after the board had completed its work?—A. We looked at it this way: if a man neglected his own duty we couldn't act for him. We only cor-

rected those, under the motion that had been adopted—we corrected only those that had removed in the same voting precinct, had not moved out of the district where they belonged when they had registered; in that event we would indicate the change of the number on our report, giving the street and number, and let the recorder of voters correct the registration list, in that way saving the man the trouble of going to the recorder of voters' office and changing his residence.

Q. And that permitted him to vote?—A. Yes, sir; that permitted him to vote.

Q. If he had happened to have moved into another precinct, across the street, he couldn't vote?—A. That is what I understood to be the instructions from the board; that wherever a man moved out of the district that he must correct his registration himself.

Q. And after the board adjourned he could not correct it then, could he?—A. I don't know; that would be for the recorder of voters to decide, whether he would let him vote or not; if he neglected his own business, it was not for me to act as his guardian.

Q. But if he only moved within the precinct, then under the law it was your duty to act as his guardian?—A. It was the understanding with the board of revision that that could be done; and that was, I think, the practice with all of them as far as I know. I think they all followed that idea.

Signature waived.

WILLIAM H. ELDER, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name to the notary, please.—Answer. William H. Elder.

Q. Mr. Elder, have you been employed in this contest by me in the last month?—A. I have.

Q. What was the nature of that employment?—A. I was to find out if certain parties lived at places where they were said to have registered and lived. You gave me a list with a lot of names on it and the addresses of the parties; I went to the various places to see if the parties lived there, and to find out what I could about them.

Q. I wish you would turn to the list of Gus. A. Grimm, a letter-carrier, who testified in this cause, and inform me what you ascertained in regard to one Michael Gormley, whom he stated did not live at 1001 Biddle street?

By Mr. POLLARD:

Q. What memorandum is that that you have in your hand?—A. These here are memorandums—it is a copy of memorandums made at the time I went to inquire about these parties.

Q. When was this copy made?—A. This copy was made within the last ten days.

Q. What day was it made on?—A. I didn't make any memorandum of the day when I made it.

12 Q. Who made it?—A. I made it.

Q. What did you make it from?—A. I made it from the original memorandum made at the time I made the inquiries.

Q. Where is that original memorandum?—A. Mr. Donovan has it.

Mr. POLLARD. Now, I object to the use of this memorandum—this

copy of a memorandum—by the witness for the purpose of refreshing his memory; because on his own statement it is not an original memorandum made at the time, but a copy of certain data made before the making of this memorandum. (To the witness.) I will ask you further when these original memoranda were made?—A. They were made between the 9th and 25th of this present month.

Q. Between the 9th and 25th of March?—A. Yes, sir.

Q. And these memoranda which you now hold in your hand were made since the 25th of this month?—A. Well, some of them were; some of them were probably made before then.

Mr. POLLARD. Now, I reiterate my objection which I before made, because of the incompetency of the instrument as a means of memoranda for refreshing the witness's memory.

By Mr. DONOVAN:

Q. These are copies of original memoranda made for convenience of testifying in this cause, to save time?—A. Yes, sir.

Mr. POLLARD. I object to that because it is leading; he has no right to lead his witness.

By Mr. DONOVAN:

Q. Now, please answer the question that I asked you before these numerous objections were interjected?—A. I found that Michael Gormley had been boarding at 1003 Biddle street for some considerable time; he was there last fall, and he is there now; 1003 and 1001 Biddle are occupied by the same landlord upstairs; down-stairs they are occupied by separate parties.

Q. It is a hotel or boarding-house?—A. It is a boarding-house.

Q. And the upper floors are all in one?—A. And the upper floors are all in one; used by the one landlord.

Q. Did you have any difficulty in finding out his whereabouts there?

Mr. POLLARD. I object to the question as leading.

A. None at all.

By Mr. DONOVAN:

Q. Is Michael Gormley known there?—A. He is known there; well known.

Q. And you had no difficulty in finding him there?—A. None at all. I inquired for the proprietor of the boarding-house; seeing him, I asked if he knew any such man.

Q. What did he say?—A. He said he had been boarding there for a long while; I asked him if he had been there at the time of the election last fall; he said he was, and was there now.

Q. Do you understand how the letter-carrier, who travels the route daily, and is acquainted generally with the people on his route, could have any difficulty in ascertaining the whereabouts of a man who is as well known as Michael Gormley?—A. No, sir; I cannot understand how it is that he could not find him.

Q. Have you met the man himself?—A. Yes, sir; I have; I saw him this morning.

Q. What did he say in regard to any letter-carrier who would report him as not found at that place?

Mr. POLLARD. I object to any hearsay testimony, and as calling for the opinion of the witness concerning the opinion of some mythical person, whose existence is extremely doubtful.

A. He said he was a liar.

By Mr. DONOVAN:

Q. Mr. Gormley is not a mythical individual, is he?—A. No, sir; he is not; I am satisfied of that from evidence I received there from parties that know him, and also from himself.

Q. What did you ascertain in regard to one Harry Miller, No. 1122 North Fourteenth street, reported by this same unprejudiced letter-carrier?—A. I find that he was living in the rear of 1124 North Fourteenth street; he moved in February, 1881, to west side of Thirteenth street, near Biddle Market.

Q. Would not that letter-carrier have just as good facilities as you for getting accurate information in regard to that gentleman?—A. I should think so.

Q. A good deal better?—A. And a good deal better, as he was on the route for some time; he would probably know the people; I was comparatively a stranger in that neighborhood, but I found him readily, and without much trouble.

Q. This unprejudiced letter carrier reports one Andrew Jerry Toole as not found at 1017 North Fourteenth street; how much of the truth did he conceal?

Mr. POLLARD. I object to the question because it is a statement made by the counsel for the contestee of what purports to have been the testimony of some witness or individual in this case, and it is an attempt on the part of the counsel for the contestee to ridicule and hold up to scorn an official of the Government of the United States, who, as far as any evidence has been elicited, has done his duty, and his whole duty.

A. I find that Andrew J. O'Toole lived last fall at the next door north of 1017 North Fourteenth street; there is no number on the house; that he moved about the 10th of January, 1881, to North Fourteenth street, between Biddle and O'Fallon.

By Mr. DONOVAN:

14 Q. This unprejudiced letter-carrier, in the prostitution of his official duties, reports that John Dugan never lived on North Sixteenth street, No. 1124; what did you ascertain?

Mr. POLLARD. I object to that question for the same reason stated before, and for the further reason that it is patent from this and the previous questions that the principal object of this examination is to throw mud at this letter-carrier, without having any evidence on which to base any of the slurs or slanders which the contestee's counsel is heaping upon the said letter-carrier.

Mr. DONOVAN. The counsel for the contestee proposes to throw mud not only on this letter-carrier, but at the majority of the letter-carriers that testified, and proposes further, that unless he makes his mud stick, that the committee will please ignore the testimony.

Mr. POLLARD. After the admission of the counsel for the contestee that the purpose of this examination is solely to throw mud, I ask that the testimony heretofore elicited from this witness, and that which hereafter shall be elicited, be stricken off the record.

Mr. DONOVAN. The committee, after listening to this testimony, will know the base uses to which the government service was put in this cause, and will give this class of testimony a prominent place in their record and in their consideration.

Mr. POLLARD. The gentleman being of a Democratic turn of mind, and adhering to the old landmarks of the Democratic party to disregard the functions of the officers of the government, except they be States rights, now, and here, as heretofore, attempts to prevent one branch of

the government from in any measure enforcing the laws of this country, and attempts, in his arguments, to declare that great frauds and gross outrages may be perpetrated upon the citizens of this country, and at the same time the government of the country shall not in any measure step in and try to prevent the same.

Mr. DONOVAN. The counsel for the contestant mistakes the occasion. This is not the Fourth of July. We can dispense with further speeches on the part of Mr. Pollard. I simply request the witness to answer the question propounded to him.

Mr. POLLARD. As it is on the eve of a city election, and as it is quite patent that the speeches which the gentleman desires here to make, he expects will be published in the Democratic papers of this city, and get the benefit of them in this coming election, as well as in the next House, we shall sit here with a great deal of pleasure and listen to his long and eloquent harangues.

Mr. DONOVAN. Not having made any, I will again ask the witness to answer my simple question, which is somewhere in this record,
15 about fifteen pages back, I presume, in Mr. Kraft's short-hand notes.

Mr. POLLARD. I submit to the committee whether the gentleman has made any speeches; possibly I am prejudiced in favor of the gentleman.

By Mr. DONOVAN:

Q. Mr. Elder, will you please answer my question that I asked you?—

A. I went to 1124 North Sixteenth street and inquired for John Dugan, and was informed by the lady there that he lived just across the street. I went there to 1127 North Sixteenth street, just opposite from 1124, and found John Dugan living upstairs, and had been living there for some one or two years.

Q. Could not that letter-carrier have ascertained the same facts and reported them?

Mr. POLLARD. I object to that question as leading.

A. I presume that he could; I had no trouble in finding him.

By Mr. DONOVAN:

Q. Do you not presume that he could, when in his testimony he volunteered the minute information that he was locked up on election day?

Mr. POLLARD. I object to that question, because it is a perversion and misstatement of testimony heretofore given; no witness on the stand, be he letter-carrier or any one else, testified that any man having any such name as John Dugan or any other name similiar to that in spelling or in sound, was locked up or shut up or anything of the kind on election day, or on any day, in this city or elsewhere; the testimony of the letter-carrier heretofore referred to was simply that this man John Dugan was not residing at 1124 North Sixteenth street on the day of election, nor on the day he made the inquiry.

Question read to the witness as follows: Do you not presume that he could, when in his testimony he volunteered the minute information that he was locked up on election day?

A. I presume he could have ascertained where he lived just as easy as I did; or any one else could that would have inquired.

By Mr. DONOVAN:

Q. This same unprejudiced letter-carrier, in the impartial and disinterested discharge of his public duties, reported that John Wirthlin,

1003 Biddle street, left that place two years ago; what did you ascertain?

Mr. POLLARD. I object to that question for all the reasons heretofore given, and because of the reiteration on the part of the counsel for the contestee of testimony in a manner which seeks to ridicule any witness heretofore testifying; and because it is an assumption on the part of the counsel for the contestee that the witness now upon the stand, as well as the witnesses heretofore, who have testified, are absolutely free from political prejudice, and are absolutely and unqualifiedly correct in every regard; and that it is utterly and totally impossible for them to make the slightest mistakes.

16 A. I ascertained that he boarded there in November, 1880.

By Mr. DONOVAN:

Q. The same gentleman reports that Ed. Maher, 1102 Carr street, was not within reach of the postal service; what did you ascertain?—A. I saw his wife; she told me that they had been living there since the fourth of July, 1880, in room No. 7, upstairs.

Q. His mail matter could be delivered to him there?—A. Yes, sir; I inquired for him down-stairs, and they told me there that he lived upstairs.

Q. The letter carrier had equal facilities for ascertaining that fact?—A. He had.

Q. The same unprejudiced gentleman reports that James Moran, 1108 North Thirteenth street, never lived there, and contents himself with that much of the truth; what did you ascertain in regard to the gentleman?

Mr. POLLARD. I object to the question for all the reasons before repeatedly stated. I don't know why the counsel for the contestee desires, unless it is for the reasons heretofore given, to make such extraordinary statements, which are not the fact, and which are not based upon the testimony in this case; and for the reason that it is patent that the said counsel for the contestee has some special and peculiar grudge against this man who has heretofore testified in this case. I think that the question and answer should be stricken from the record.

Mr. DONOVAN. The counsel for the contestee states that the result of his investigation is that the letter carriers, under instructions, did not make full and truthful reports; but contended themselves with simply telling half the truth, knowing that if they gave full and accurate information, these voters would be found on their very routes; and it is well known to the counsel for the contestant that a lie which is all a lie can be met and fought with; but a lie which is but half a lie is a harder matter to fight.

Mr. POLLARD. The counsel for the contestee examined this letter carrier at great length in cross-examination; he endeavored with all his sagacity to make him cross himself, or break down his testimony; and that after subjecting him to a critical cross-examination concerning each name about which he testified, he, said counsel for the contestee, conceded at the close of the testimony that the witness had not only told the truth partially, but wholly, in every regard. The witness whom the gentleman now has upon the stand, who is a stranger there in that locality—who has admitted that he is a stranger in that section of the town—he desires now to make the testimony of this witness equal and sufficient to break down the testimony of a letter carrier whose testimony showed that he had been carrying letters through that locality for

fifteen years, and knew intimately, almost personally, every individual who received letters throughout that locality.

17 **Mr. DONOVAN.** It is so much the more flagrant a dereliction on the part of the letter carrier when this witness, who is a stranger in that locality, finds this party so readily, when on the other hand this letter-carrier, who has been traveling the route for years, contents himself with concealing the truth in regard to the residence of the gentleman named. The record will show that in regard to these names these letter carriers were not examined—not cross-examined—because it never occurred to the counsel for the contestee that the office was put to such base uses as has since been developed by the investigations on the part of the contestee. The cross-examination of the letter carriers was always in regard to the general instructions received in regard to this peculiar transaction, and confined more to their principals than to themselves.

Mr. POLLARD. Crediting the gentlemen with a desire to make the statement correct, the statement which he makes now concerning the cross-examination of those letter carriers, if he desires that to be on a par with the testimony which he seeks to elicit from this witness, I will certainly have very little to say, for the record will show that each of those letter carriers was cross-examined on each and every name to a very great length. The gentleman's recollection must be very, very poor.

Mr. DONOVAN. The gentleman's statement is so far out of the way that it will not do to consume further time on it, and I will simply ask the witness to answer my question.

A. I found James Moran living at 1118 North Thirteenth street since the 1st of September, 1880.

Q. Right in the same neighborhood as 1108 ?—**A.** Yes, sir ; right on the same side of the street ; only a few doors above 1108.

Q. Do you know why that letter carrier did not report that the gentleman was living in that neighborhood, within a few houses of this place ?—**A.** I can't imagine why he should make such a report, unless he didn't want to find him.

Q. Now turn to the letter carrier list of Louis Noerteman ; this letter carrier, under the instruction of his principals, and probably with the fear of losing his place in the post-office unless he brought in reports favorable to this contestant, reported as not found, and as not known, one R. N. Stubbs at 1012 North Seventeenth street ; what did you ascertain ?

Mr. POLLARD. I object to the question, because there is no testimony here which tends in the least to show that Mr. Noerteman had any fear whatever of losing his place ; that the testimony of Mr. Noerteman, as well as of other letter carriers here, tends to show, and does show conclusively, that they did no extraordinary duty in this regard ; that the government was thoroughly and well paid for every letter which was posted by the contestant's counsel in this case ; and further, that these

18 letter carriers had much less service to do in these cases than they would with letters ordinarily posted, in that but a very small per cent. of them were ever delivered, or attempted to be delivered by them.

By Mr. DONOVAN :

Q. Please answer the question ; did you find the gentleman ?—**A.** I found that he had been boarding there since November, 1879, at 1012 North Seventeenth street.

Q. The same gentleman stopped short in giving the information in regard to W. D. Sweeney, 2005 Carr street, contenting himself with simply stating no such number; now, did you or did you not ascertain that W. D. Sweeney, a merchant here in the city of Saint Louis, and who lives at 2025 on the same block?

Mr. POLLARD. I object to the question as leading.

A. I found that W. D. Sweeney was and is still living at 2025 Carr street; has been there since April, 1880.

By Mr. DONOVAN:

Q. The same gentleman, unprejudiced and impartial, and with the fear of the hatchet, reports that George Dotzler, 1903 Carr street, had left there, and he was not found; what did you ascertain?

Mr. POLLARD. I object to that question, because it is a willful perversion of the testimony of the letter carrier, and because the counsel for the contestee well knows that the notes from which he is refreshing his memory in asking these questions were made up by divers and sundry persons; persons who were not qualified for the position; made up during the absence of the counsel in many instances. This is conclusively shown from the questions which he is asking, because they are not the same persons about which the contestant's counsel made inquiry of that letter carrier, and they do not refer to the same number or to the same street.

Mr. DONOVAN. The record will show that the gentleman is indulging in the regions of fancy, for which he seems to have a most positive fondness.

Mr. POLLARD. In this instance the letter carrier did not testify, and the record does not show anything whatever concerning George Dotzler, or 1903 Carr street; it is absolutely blank.

A. I went to 1903 Carr street and inquired at that place for George Dotzler, and I was informed that he had lived there, but that he was now living at Mr. Morrison's, 1907 Carr street.

By Mr. DONOVAN:

Q. How far is that from 1903?—A. Just two doors; I went to 1907 Carr street and saw the lady there and inquired there for George Dotzler; she said he was living there, and had been since October, 1880.

Q. Do you know why the letter carrier did not also report those facts, the house being only two doors removed, and being on his road that he was in the habit of traveling?—A. I can't imagine, because if he

had inquired at 1903 Carr street for this party, I should suppose they would give him the same information they did me.

Q. The same unprejudiced and perfectly disinterested gentleman contents himself with the partial information in regard to John Newell, 2023 Biddle, that he was not there; what did you ascertain as to his residence in that vicinity?—A. I found that he was living on the opposite side of Biddle street, at 2026.

Q. How long was he living there?—A. For the past four or five years.

Q. The same gentleman, with the collar of some political partisan around his neck, was forced to report in regard to D. Bucklin, 1121 North Twenty-first street, after the usual fashion; what did you ascertain in regard to that gentleman?

Mr. POLLARD. I object to this question, because it is on a par with the other assertions of the gentleman, drawn entirely from his imagination, this statement that he wears the collar of some one. Now, it is—

thank God—not one of the principles of the Republican party that any of its servants, or employes of the government, wear collars; whereas it is a well known fact in history, in the political history of this country, that the Democratic party not only puts collars around its servants' necks and around the necks of its officers, but that it also brands them and brands them to such an extent in many instances that they are very glad indeed to get out of the company of their party.

Mr. DONOVAN. There is no gentleman on the committee that would allow the base use of the postal-service that was made in this case; and the postal authorities themselves are now alarmed at their own neglect and are anxious to discharge these very men who have made these prejudiced reports in order to clear the stain from the escutcheon of the postal service of this city.

Mr. POLLARD. Any government or any party who will not protect the purity of the ballot-box, and give us a free and fair count, ought to be damned eternally; and when the Republican party stoops so low that it will not permit any branch of its government to assist in purifying the ballot-box and assist in preventing the double and treble vote which these men attempted to cast, and which we have in a measure prevented, then the Republican party ought to go down to infamy and oblivion. As to whether this gentleman and the Democratic party propose to get rid of the officers in the post-office department here in the city of Saint Louis I know nothing whatever about it, but I will assure the gentleman now that I apprehend that at least for the next four years there will be some difficulty in getting the fat offices in the city of Saint Louis for his party.

Mr. DONOVAN. The statements of the counsel for the contestant are very noble, and very patriotic, and very lofty; but unfortunately they are not applicable to the matter in hand, for the reason that this
20 is not a purification of the ballot-box, but an attempt on the part of the postal service here to rob men who have lived long in their various wards and precincts of the right to vote there, by reporting them as not living in the places where they claimed to live.

Mr. POLLARD. It is simply an attempt on the part of the Government of the United States to in a measure rectify the wrong committed by the Democratic government of this city; the great wrong which it did in striking from the registration list thirteen thousand names, more than three-fourths of which were Republicans, and two-thirds of whom were improperly and fraudently, recklessly and wrongfully stricken from the list; I say this is an attempt on the part of the Government of the United States to say to it and to those Democrats who voted from corner lots where there are no houses, and who voted on the names of dead men, who voted in a dozen different places, under as many aliases, that their votes given under such circumstances shall not be counted.

Mr. DONOVAN. Now, if the counsel for the contestant is through with his flights of oratory, I would like to ascertain whether you found Theodore Bucklin at 1121 North Twenty-first street?

A. I found that Theodore Burtlein was living last fall at 1121 North Twenty-first street, and that he was working for Dennis Buckley.

Q. The letter-carrier then took advantage of the man by finding that a letter in the center of his name was different from what he had it on his decoy-envelope, and for that reason reported he could not be found, or no such number?

Mr. POLLARD. I object to that question because the letter-carrier, as

a matter of fact, never testified anything about either Theodore Burtlein or Theodore Bucklin or 1121 North Twenty-first street.

A. My recollection is that I inquired for Theodore Bucklin and was informed that there was a Mr. Burtlein lived in the house. In the course of my inquiries I found where there had been a great many of their names misspelt; wherever I could find the proper way of spelling them I corrected them.

By Mr. DONOVAN :

Q. Did you look for Andy Burns whom this same disinterested gentlemen reported could not be found ?

Mr. POLLARD. I object to that question because it is a misstatement of the fact, and I give the gentlemen notice right now that he has got on the wrong track; neither this letter-carrier Noerteman, nor any other letter carrier, testified about this man Burns, 1121 North Twenty-first street.

Mr. DONOVAN. The record will settle this little difficulty. I am right in my statement.

A. I inquired for Andy Burns at 1121 North Twenty-first street and ascertained that he had been living there last fall—last November—and worked for Mr. Dennis Buckley, who resides there.

21 Q. Now, will you turn to the list of one Joseph Golby, who testified in regard to a number of people, and inform me what you ascertained in relation to G. H. Walsh, 1204 North Seventh street ?—A. I found that he lived there from September, 1880, until February, 1881. He was boarding there.

Q. Was he known there ? I ask that question because this gentleman reports that he is not known.—A. I inquired of the lady that kept that boarding-house if he was living there, and she said that he had been living there; that he had been boarding there with her. I asked her about how long since he had left. She says it was some time in February, 1881. I asked her how long he had been there at the time he left. She said that he came in September, 1880.

Q. The benevolent Golby, without any charge to Patrick Kelly, moves him some six months ago to 1204 North Seventh street. What did you ascertain ?

Mr. POLLARD. I object to that question, because there is no testimony in this case that this man Golby was either malevolent or benevolent. I don't know which word the counsel for the contestee used, and it makes no difference.

Mr. DONOVAN. We will prove him to be the former.

A. I found his wife there. She informed me that they had been living there for the last three years. They are on the first floor of that residence. He is a tailor by occupation.

Q. While he was engaged in moving people without their consent he also moves John Cain away from 1218 North Seventh street. What did you ascertain ?—A. I saw Mr. Cain at 1218 North Seventh street. I found him living upstairs there.

Q. How long has he been living there ?—A. I asked him how long he had been living there, and he told me he had been there for the past two years.

Q. He also reported as not knowing one William H. Atwood, 1719 North Seventh street. What did you ascertain ?—A. I found Mr. Atwood lived at 1719 North Seventh street in the fall of 1880, and that he removed on the 1st of January, 1881, to the corner of Eighth and Carr.

Q. He reported on Joseph H. Kelly, living on Mound street, near Ninth street, about 1818. What did you ascertain about that gentleman ?

Mr. POLLARD. I object to that question, because there is no testimony given by the witness Golby concerning Joseph H. Kelly whatever, either at this place or at any other place.

By Mr. DONOVAN:

Q. Does he live near 1818 Mound street, or what did you ascertain in regard to that, if anything?—A. You have the memorandum, I believe; I haven't it.

Q. What did you ascertain in regard to J. H. Grayson, 826 Broadway? Have you got his name?—A. I have. It is 826 Brooklyn.

Q. What did you ascertain?—A. I found that he had lived there more than a year.

22 By Mr. POLLARD:

Q. Living where?—A. At 826 Brooklyn street. That is where I inquired for him.

By Mr. DONOVAN:

Q. What did you ascertain in relation to Charles McGinley, 816 Mound street?—A. I found that Charles McGinley was the owner of the property.

Q. What did you ascertain in regard to John Phelan, 1700 North Ninth street?—A. I found that John Phelan lived and has been living for the past three years on the third floor. The number for the entrance is 1704 North Ninth street. It is the corner house, and I presume the saloon over which his rooms are would be No. 1700, but the entrance is 1704.

At this point a recess was taken until 2 o'clock p. m.

AFTER RECESS.

Examination of Mr. ELDER resumed.

By Mr. DONOVAN:

Q. What did you ascertain in regard to Patrick Hanon?—A. I found that he lived at 813 Biddle street, up to about the 1st of December.

Q. What did you learn in regard to John Bannahan, 1337 North Eighth street?—A. I found that John Behan had been living there for the past seven years.

Q. What did you ascertain in regard to John Maher, 1328 North Eighth street? Did he live at 1328 or 1320?—A. He don't live at 1328. He lives at 1320 North Eighth street, and has for the past two years.

Q. Is he known in the neighborhood?—A. Oh, yes; he is known in the neighborhood.

Q. Can you understand why this immaculate Golby could report as not known in that neighborhood a gentleman who has resided there for two years?

Mr. POLLARD. I object to that question, because there is no evidence tending to show that Mr. Golby was immaculate or maculate, either one or the other.

A. I can't imagine why he couldn't find him. I made inquiries for him at the place where he resided, and found out where he had lived at.

By Mr. DONOVAN:

Q. Right there a few doors from it?—A. Yes, sir; four doors.

Q. What did you ascertain in relation to M. Kehoe, living at 1338 North Eighth street?—A. I found that he had been living there, upstairs, for the past three years.

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By Mr. POLLARD:

23 Q. Where?—A. No. 1338 North Eighth street.

By Mr. DONOVAN:

Q. He is known there?—A. Yes, sir.

Q. How could Mr. Golby report the fact that he was not known in that neighborhood?—A. Well, I can't imagine how he could report that he couldn't be found there; it seems to me that he ought to have been able to have found him, if I could, and I was a stranger in the neighborhood. Is this party a letter carrier, this Golby?

Q. No; the immaculate Golby is an understrapper of General Hardwig, who had charge of this force of canvassing troops.

Mr. POLLARD. I object to the testimony of the counsel for the contestee in this case until he is sworn, because the testimony which he now gives he would not give were he under oath, for the reason that the man Golby who testified in this case, whom the counsel for the contestee now terms an understrapper, and with other words of derision, did testify while he was on the stand that he was a profound Democrat, and that he voted for the contestee in this case, and that he was a friend and admirer not only of the contestee but of the contestee's counsel.

By Mr. DONOVAN:

Q. What did you ascertain in regard to George N. Orde, living at 1417 North Seventh street?—A. George N. Ord—I found that he was living at 1417 North Seventh street for the past five years.

Q. He is well known there?—A. Yes, sir; he is well known there in that neighborhood; I asked other parties there about him, and they showed me the place where he lived; then I saw his folks.

Q. Now, the kind-hearted and immaculate Golby moved Mr. Jeremiah O'Toole from 815 O'Fallon street; what did you ascertain in regard to him?—A. I found that he lived there, upstairs, but that he has moved since the first of January, 1881.

Q. This renegade Democrat, with his usual liberality, also moves John Delaney from 1321 North Eighth street; what did you ascertain in regard to him?—A. I found that he lived there since the seventh of October, 1880; that previously he lived one block south on the same street.

Q. The same gentleman further reports John McKeown as not known in the neighborhood of 1319 North Seventh street; what was the result of your inquiry?—A. I found that he was living there for the past two or three years.

Q. Well, with his customary accuracy he reports Eugene M. Mer-nagh as not known in the neighborhood of 1417 North Seventh street; what did you ascertain?—A. I found that he had been living there, and was still living there, for the past four years; he has lived there for the past four years.

24 Q. This able lieutenant and conscientious subaltern of General Hardwig reports that M. J. Sheehan, of 1415 North Seventh street is not known in the neighborhood; what is the result of your investigation?

Mr. POLLARD. I object to that question, because there is no testimony tending to show that Mr. Golby was a subaltern to General Hardwig or General Anybodyelse; or that Mr. Hardwig is a general or a lieutenant-colonel, or that he holds any other position, or is high private in the rear rank of the Democratic party, of which the contestee and his counsel are both members.

Mr. DONOVAN. The contestee and his counsel repudiated them and all of their crowd as being unworthy to be members of any party, or citizens of any State, and the result of this inquiry will show it and prove it.

Mr. POLLARD. The result of this inquiry has tended to show and prove that these witnesses whom the contestant put upon the stand are, indeed, not well qualified to be good Democrats, but, on the other hand, being truthful, upright, earnest, sober, and industrious men, they will, if they join the Republican party, in a little while make very respectable citizens.

By Mr. DONOVAN:

Q. Well, this truthful, upright, earnest, sober, industrious Golby, reports as not known in the neighborhood M. J. Sheehan, living at 1415 North Seventh street; what was the result of your inquiry?—A. I found that he owns the property and has been living there, so they told me, himself and his wife, between twenty and twenty-five years.

Q. The same truthful, honest, upright, honest, and sober man, according to the counsel for the contestant, reported that Daniel O'Hara, 1328 North Ninth street, in the rear, was not known; what did you discover in the course of your examinations?—A. I found that Daniel O'Hara had been living there for the past ten years.

Q. Do you not believe that a man that was both blind and deaf could find both of those gentlemen if the seeker was honest and really wanted to find them?

Mr. POLLARD. I object, for the reason that there has been no testimony given either by Mr. Golby, or any other witness on the part of the contestant, that Mr. Daniel O'Hara lived at 1328 North Ninth street, or didn't live there, or that he ever did live there or at any other place, or ward, or any word concerning him in any way, shape, manner, or form.

Mr. DONOVAN. The record will show, and will make the counsel for the contestant blush at his own statements.

Mr. POLLARD. The counsel for the contestant only blushes when he is wrong; the record will support every statement which he has made.

Mr. DONOVAN. The witness will please answer the question.

A. I believe that any man or child could find those two parties, at the two places where they were living at.

25 Q. What did you ascertain in regard to John F. Lucas, 826 Carr street?—A. I found that he had been living at 826 Carr street for the past four years.

Q. What did you ascertain in regard to Louis Reps, 1025 North Ninth street?—A. I found that he had been living there more than one year.

Q. This faithful lieutenant reports Thomas Maher, 1000 O'Fallon street, as not known; what did you ascertain in that regard?—A. I inquired for him at 1000 O'Fallon street, and was told by a lady that he lived upstairs; I went up there and saw a lady that I presume was his wife; she said that Mr. Thomas Maher had been living there for the past five years, and died on the 8th of March, 1881.

Q. This present March?—A. Yes, sir; lived there up to the time of his death on the 8th of March, 1881.

Q. What did you ascertain in regard to John Wirthlin, 1003 O'Fallon or Biddle street?—A. I found that he boarded at 1003 Biddle street last fall, last November.

Q. It appears that the partisan canvassers and the partisan letter-

carriers have a remarkable agreement in regard to Michael Gormley, 1003 Biddle street—neither of them can find him; what did you ascertain in regard to him?

Mr. POLLARD. I object to that, because the only testimony of the partisanship of these witnesses is their own testimony on the stand, and they both and each of them swore to the facts in the case. The letter-carrier swore as to that, that holding a public office he always did his duty faithfully and fully, regardless of any party affiliations; and the other man's testimony was that he was a Democrat and had voted for the contestee in this case.

By Mr. DONOVAN:

Q. Now, how far did they fall short of their duty in regard to that gentleman?

Mr. POLLARD. I object to that, because this man has shown no indications of being a good judge in that respect, and it is not for him to say how far a man falls short of doing his duty or not doing his duty in his official capacity.

Mr. DONOVAN. To cut the matter short, give us the facts in the case?—A. Well, I found that Michael Gormley had been boarding at 1003 Biddle street since the spring of '80.

Q. Did you see the gentleman himself?—A. I didn't see him at that time; I have seen him since.

Q. What information did you get at the house in regard to his living there?—A. I saw the proprietor of that house, who was a German, and asked him if he knew Mike Gormley; he said he knew him very well; I asked him how long he had been there; he said he had been boarding there since last spring—spring of '80.

Q. Is he boarding there now?—A. He is boarding there now, so I heard, and is there yet, unless he has moved within the last week or ten days.

Q. What did you ascertain in relation to John Collins, 1108 North Eighteenth street?—A. I found that he was living there at the time of the election.

Q. What about John S. Thompson, 1118 North Nineteenth street?—A. I saw his wife; she told me that they had been living there for the past three years; she said something about my inquiring for him at all; that he was so well known; that he was an old employé of the post-office, and was there yet; that he was a good Republican, and all that sort of thing.

Q. What about Edward Kennerly, 1223 North Seventeenth street?—A. I found that he was living there at 1223 North Seventeenth street, upstairs, since the 10th of June, 1880.

Q. Well, this gentleman makes a report concerning Dennis Downey; what did you ascertain as the result of your investigation—residing at 1808 Division street?—A. I found that he had been living there for the past ten years.

Q. Well, this sweet-scented gentleman reports regarding Mr. Harrington, 1925 O'Fallon street, that he was not known in the neighborhood; couldn't find anything about him, after a most careful search; what did you learn concerning the gentleman?

Mr. POLLARD. I object to that, because the contestee's counsel was very close to the witness when he testified, and he ought to have ascertained from his olfactories that the witness was, literally speaking, what is known as a sweet-scented witness.

A. I found that Mr. Harrington had been living there at 1925 O'Fallon street for the past four years.

By Mr. DONOVAN:

Q. Well, this conscientious gentleman reports in regard to Herman Pabel, 1911 O'Fallon street, that, after a conscientious search he was unable to find out anything in regard to him, and as not known in the neighborhood; what was the result of your investigation?—A. I found that he had been living there for the past four years.

Q. What did you learn in regard to James Carroll, 1410 North Eighteenth street?—A. That should have been 1412; I saw his mother; she told me that he was born and raised there at 1412 North Eighteenth street, and is living there now.

Q. Where does Patrick Fitzsimmons live?—A. He lives on the east side of Seventeenth street, between Cass avenue and O'Fallon street.

27 Q. This faithful servant of the contestant now becomes benevolent, and moves Andrew Baker from 2277 O'Fallon street without the gentleman's consent apparently; what was the result of your investigation?—A. I found that he had been living there for the past two years, and is living there now.

Q. Well, while he was at it he removes the whole family; what did you ascertain in regard to W. J. Baker, living at the same place?—A. I found him living there for the past two years.

Q. Doing the business by wholesale, he takes the same liberties with Mr. M. F. Lyons, and moves him from 2714 Sheridan avenue; what can you tell us about that party?

Mr. POLLARD. I object to that question, for the reason that Mr. Golby gave no testimony concerning this man whatsoever.

A. I found that he had been living for the past three years at 2714 Sheridan avenue.

Mr. DONOVAN. The gentleman's acquaintance does not seem to extend to J. H. Coates, 2407 O'Fallon street, and therefore he reports him as not known in the neighborhood or at that place?—A. I found that he did live there, and he was living there last November; he is not living there at present, however; he didn't pay his rent, or something of that kind.

Q. Sitting down in the privacy of his closet, and disfranchising Democratic voters, he reports as not known Thomas Wilcox, 2201 O'Fallon street; what did you ascertain in regard to that gentleman?

Mr. POLLARD. I object to that, for the reason that the imagination of the contestee's counsel is only excelled by his levity, and that he is endeavoring by a wonderful exercise of his mental faculties to keep, not only the committee who shall hear this case, but the whole House, in a roar.

Mr. DONOVAN. The contestee's counsel is simply attending to his business as rapidly as he knows how, and would request the witness to answer the question.

A. I was informed that Mr. Thomas Wilcox had been living at 2201 O'Fallon street for the past four years.

Q. In order to vary his report he now kills off Mat. Dee, and buries him two years ago; he was supposed to live between Twenty-sixth street and Cass avenue, on Dickson street; what did you ascertain in regard to that?—A. I found several parties that knew him; among others a policeman; and I found that he had been living at that place—Twenty-sixth street, or what would be Twenty-sixth street, between Cass avenue and Dickson street; that he was living there last November,

and he lives somewhere in the neighborhood now. I was directed to the place that his wife lived at, but didn't go to see her, as I understood I wouldn't find him there; that they had separated for something or other.

Q. The man is living, however?—A. O, yes; he is living there; some four or five men told me that; so did the grocery man and the policeman.

28 Q. And he was living there last November?—A. He was living there last November.

Q. Now, changing again to the "not-known" class, he swears in regard to Michael Sheridan, on the south side of Cass avenue, between Twenty-third and Twenty-eighth streets.—A. I found Mike Sheridan on the south side of Cass avenue. It is hard to tell between what streets that is. Some people call Twenty-fifth street Twenty-third street; but I found him by this direction, and he told me that he had been living there for the past nineteen months. There was no number to the house, or rather on the house.

Q. With his customary accuracy and conscientious regard for the faithful performance of his duty, he reports as not known John Walsh, Dickson street, between Twenty-seventh and Twenty-ninth streets, in that same neighborhood. What did you ascertain in regard to that gentleman?—A. I saw his wife, and she told me that they had been married thirteen years, and had been living there all that time; that he had lived there two years prior to their marriage; the number of the house is 2421—I called her attention to it—Dickson street; that it didn't seem to be the right number. She said no, it was not, but that was the number that the tax-bills were made out on; that is, 2417. He was a man well known; he holds some public office here—I think in the city hall; something there.

Q. He is known in the neighborhood?—A. Yes, sir; he is well known.

Q. He doesn't know Richard Doe, near East Twenty-eighth street and Cass avenue; what was the result of your inquiry?

Mr. POLLARD. I object to that question, because it is a misstatement of the testimony given heretofore by the witness Golby.

A. His wife told me that they had been living there since August, 1880.

By Mr. DONOVAN:

Q. This unbiased and conscientious witness reports John Bahan, Dickson street, between Twenty-seventh and Twenty-eighth streets, not known; what have you to say in regard to him?

Mr. POLLARD. I object to the statement, because the witness Golby made no such report.

A. I found that John Bahan or Behan (it seems he is called both ways) has been living there in the rear of 2445 Dickson street for the past fifteen years.

By Mr. DONOVAN:

Q. He is known in the neighborhood?—A. He is well known; he is a teamster, as I recollect it.

Q. For the purpose of giving satisfactory reports, at very little trouble to himself, he sits in the privacy of his closet and reports as not known Thomas Lahey, in the rear of 2445 Dickson street; what was the result of your investigation?

Mr. POLLARD. I object to that, for the reason that the counsel for the contestee is willfully and maliciously misrepresenting the statements of the witness Golby. The witness testified that he did

29 make a careful examination, and made none of these reports from his closet; neither did he make any such report as is stated by the counsel for the contestee here.

Mr. DONOVAN. These little difficulties of the texture of cobwebs will be readily swept away by the committee when they examine the record.

Mr. POLLARD. The little difficulties which the counsel for the contestee admits he is making here by asking the witness whether a certain man resided at 2435 Dickson street, and eliciting the information from him that he does, when the testimony of this witness Golby was that he did not reside at twenty-seven hundred and something, or between Twenty-seventh and Twenty-eighth streets on Dickson street, such statements are substantially like the remainder of the testimony of the counsel for the contestee in this case.

By Mr. DONOVAN:

Q. Mr. Elder, will you please answer the question whether or not Mr. Thomas Lahey is known at 2445 Dickson street?—A. Mr. Thomas Lahey lives at 2445 Dickson street, in the rear, and has been living there for the past nine years; it is between Twenty-seventh and Twenty-eighth streets, but the number on the house is 2445.

Q. You have already explained the trouble as to the numbers—how they run up there?—A. I have; I can do so more fully, though.

Q. You have no reason to doubt that Mr. Golby knows that fact as well as you do?

Mr. POLLARD. I object to that, because it is immaterial what this witness doubts or does not doubt about another witness.

A. I should think he would probably know more, if he has been living here for some time, because I am not familiar with that neighborhood.

By Mr. DONOVAN:

Q. Yet you find these gentlemen?—A. Yet I find them according to the way I was directed.

Q. This pet of the contestant's counsel reports John Gorman as not known at or in the neighborhood of 2701 Dickson street; what was the result of your investigation?—A. I saw John Gorman, and he told me that he had been living there for the past six years.

Q. At 2701 Dickson street?—A. Yes, sir.

Q. What did you ascertain in regard to Bernard Carlin, 1227 North Sixteenth street?—A. I found that he had been living there, but that he had moved since the 20th of November last to the west side of Fifteenth street, between Wash and Carr streets.

Q. This man, worthy of the confidence of the contestant, reports Val Sochs as not known at 1103 North Fifth street; what did you find out in relation to that party?

30 Mr. POLLARD. I object to that, because it is a misstatement of the testimony of the witness Golby.

A. I was informed that he had been living there for the past two years; the man was pointed out to me; a party told me he was a watchman there—that Sochs was a watchman there.

By Mr. DONOVAN:

Q. What did you ascertain in regard to Martin Kelleher, 1126 North Second street?—A. I saw him; he informed me that he had been living there about fourteen years, and that he had moved to Collins and Biddle about the middle of February, this year.

Q. Dominick Donnelly was not known at 1132 North Second street;

what did you ascertain in regard to him?—A. I found that he had been living there about three years, and that he had moved about the twenty-fifth day of December to the corner of Second and Ashley streets.

Q. Was he known in the neighborhood?—A. O, yes; he was well known in the neighborhood.

Q. Another of this tribe of canvassers, by the name of Charles R. Woolf, reports Martin Keefe, 1308 Collins street, as not living there for two years past; what did you ascertain?—A. I found that he had boarded there last fall, and that he had left there since the 1st of January, 1881.

Q. What did you find out in regard to Thomas Broaders, 1456 Collins street, reported by this gentleman as moved some time before the election?—A. I was informed that he was living there last November, and he had moved since last November.

Q. With the customary accuracy of the tribe that he belongs to, he reports Thomas Ulm, 1449 Collins street, as not known in the neighborhood; what was the result of your investigation?—A. I learned that he had been living there the past year.

Q. What about James J. Gorman, 1312 Collins street?—A. I found out that he has been living there the past year.

Q. The same gentleman does not appear to have enjoyed the acquaintance of Anton Youngman, of 1447 Collins street, and therefore reports him as not known to his neighbors; what did you gather in relation to that gentleman?—A. I ascertained that he had been living there the past six months.

Q. In order to be liberal, he causes the death of Francis Burke, of 1303 Collins street, some six months prior to his allotted period of life; what was the result of your inquiry?—A. I found that he lived in 1303 Collins street up to the time of his death, which occurred on the 9th day of December, 1880; he was the janitor of the Bates school and fell out of the window there at that time; he was a man that was very well known.

Q. Well, according to this gentleman, John Malley never lived at 1303 Collins street; did you inquire for him?—A. I did; and learned that he was Mr. Burke's assistant at the Bates school up to the time of Burke's death, and that he had boarded with Mr. Burke at 1303 Collins street up to the time of Burke's death.

31 Q. What date was that?—A. The ninth of December, 1880.

Q. Well, another of this interesting tribe, by the name of John A. Hyde, reports John Sullivan, 1217 Collins street, as moved two years ago; what information did you elicit?—A. I was informed that he was boarding there last November.

Q. What in regard to William Lanigan, living at 1203 Collins street, or 1231 Collins street?—A. He is living at 1231 Collins street since October, 1880; he lives there on the second floor in the back room.

Q. Another of these unfortunate letter-carriers, by the name Robert McFaddon, reports Edward M. King, of 1239 Collins street, as not known; what was the information you elicited?—A. I ascertained that he had lived there up to the 11th of November, 1880.

Q. The same gentleman, obedient to his partisan instructions, reports that there was no such party as Bartley Kennedy, 1239 Collins street; what did you find out in regard to him?

Mr. POLLARD. My only objection to that is that the counsel for the contestee is "too funny for anything," as the girls say.

A. I found that he was living there in the rear of that number.

By Mr. DONOVAN :

Q. The same letter carrier reported as not known James Downey, of 1223 Collins street; what did you find out?—A. I ascertained that he had lived there the past year and is living there yet.

Q. This letter carrier ought to have more facilities for knowing whether this man is known there or not, inasmuch as he is traveling that route all the time?—A. A great deal more than I have.

Q. Did you have any difficulty in finding this gentleman?—A. No, sir; I found him there at that time, and at that number.

Q. What did you find out in regard to Patrick Buckley, reported by this same man at 1200 Collins street, his report being that there was no such number and no such man?—A. Mr. Patrick Buckley lives at a boarding-house called the Parnell House, on the southwest corner of Biddle and Collins streets; and No. 1200 Collins street is on the opposite side—or rather, the northwest corner. No. 1200 is a nut and bolt work.

Q. He lives across the street?—A. He lives right across the street.

Q. Did you ascertain how long he had been living there?—A. I did not; the landlady informed me that he had been there some time, but I didn't inquire particularly.

Q. Well, Thomas Keefe, 1437 Collins street, on this same letter-carrier's route, is reported as not known in that place or in the neighborhood; what did you find out in regard to that?—A. They informed me there that he had been boarding there up to the fifteenth of November, last year.

32 Q. Mr. John A. Hyde reports that William Nickerson, 1249 Collins street, was drunk and ordered away fifteen months ago; what did you find?—A. I inquired for Mr. Wickerson there and was informed that there was no such man there as Wickerson; but there was a William Nickerson, and that he had been living there in the rear of that number, upstairs, and had been since August, 1880.

Q. Mr. Woolf reports Mike Croake, 1507 North Main street, as never having lived there. What was the result of your investigation?—A. Mike Croake did live there at 1507 North Main street up to some time in November. The houses were torn down a short time afterwards, and he moved to 203 Florida street, where he is living now.

Q. What did you ascertain in regard to Patrick Croake, of the same number?—A. Well, just about the same information that I got about Mike Croake. They are father and son, or brothers; I have forgotten the relationship.

Q. How as to Edward Cody, 1509 North Main street?—A. I was informed that he lived there at the time of the election. That house is torn down now.

Q. And the same for Mr. Nick Fitzpatrick, of the same number?—A. The same report as with Cody.

Q. This house was torn down after the election?—A. Yes, sir; it was torn down after the election, because these parties lived there up to some time in November.

Q. Well, Mr. Hyde goes into the furniture-car business, and moves John Cummins from 1615 North Main street two years ago. What did you ascertain in regard to that?—A. I ascertained from his wife that they had been living there for the past four years.

Q. What did you ascertain in regard to William O'Connell, at 1541 North Main street?—A. I ascertained that he had been living there since May—last May.

Q. And in relation to William H. McKnight, 1617 North Main?—
A. He had been living in the rear there since last summer.

Q. Charles R. Woolf, of this awkward squad, with the strength of Ajax, lifts the house of Thomas McMahon, 1547 North Second street, from its foundations, and makes a vacant lot of his place. What was the result of your inquiry?—A. I saw Mrs. McMahon, and she informed me that she had been living there for nearly two years. It is a brick tenement house.

Q. Where does Wilson Gross live?—A. He lives on the east side of North Second street. There is no number on the house. It would be about 1430 or 1432. He has been living there since the 10th of September, 1880.

Q. Was it not possible for Charles R. Woolf to ascertain that same fact as well as you?—A. I should think so. This man is at work in the Saint Louis Lead and Oil Works, just a door or two from where he lives. He seems to be pretty well known about there. I inquired for him on the other side of the street from where he lives, and
33 they told me he lived right across there in that row. I went over and saw his wife; she directed me where I could find him.

Q. Mr. Woolf gets bolder and reports Pat. Gill, 1413 North Second street, as never having lived there; what did you learn?—A. I ascertained that he lived there up to the fifth of November last, and moved then to 1429 North Second street, on the same block.

Q. What about Wilson Donovan, of 1437 North Second street?—A. I was informed at that place that he had been living there up to the fifteenth of January, 1881; at which time he moved to Frenchtown.

Q. Charles R. Woolf tears from his family roof-tree one Charles Harmolka, 1532 North Second street; what information did you obtain in regard to the gentleman?—A. I found that Charles Harmolka had been living there for the past thirteen years, on the second floor.

Q. What in regard to Patrick King, of 1542 North Second street?—A. I found that he had been living there for the past two years, on the third floor of that building.

Q. Mr. John A. Hyde, after a most thorough and exhaustive search, fails to find T. D. Donohue, 1709 North Second street; what did you find out in regard to him?—A. I was informed that he had been living there for the past eight years.

Q. Charles R. Woolf comes to the front and reports that John Drum, jr., 1709 North Second street, did not live there; what is the truth of the matter?—A. The lady that I saw there, whom I presume to be his wife, told me that he had been living there for the past eight years. She seemed to think it strange that they couldn't find out that they lived there without inquiring; his name was in the directory and appeared at that number.

Q. Well, the same gentleman reports that Pat. McMahon, 1514 North Second street, could not be found——

Mr. POLLARD. I object to that question, for the reason that the counsel for the contestee misstates the testimony; there has been no such testimony given in this case.

By Mr. DONOVAN:

Q. What did you ascertain in regard to Mr. McMahon?—A. I saw Mr. McMahon, and was informed by his wife and himself, that they had been living upstairs at that number for the past thirteen months, and that for twelve years previous, up to the time that they had moved in there, they had lived almost directly across the street, at 1536.

Q. That is on the same street?—A. Yes, sir; on the same street; right opposite.

Q. Lived across the street for twelve years?—A. Twelve years at 1536, and for thirteen months at 1541.

Q. Now, the general of this awkward squad, Mr. Hardwig, whose report we dealt with yesterday, reports as a vacant lot, 1538 North Second street, where John Crowley seems to have resided; what did you ascertain?—A. I was informed that he had been living there for the past fourteen years.

34 Cross-examination by Mr. POLLARD:

Q. Mr. Elder, where do you live?—A. I am living at 1028 Clay avenue.

Q. Have you got a family there?—A. No, sir.

Q. What is your present occupation?—A. My present occupation? Well, I am attending to this business for the present, until I can get into something better.

Q. What has been your occupation for the last four or five years?—A. I have been clerking.

Q. All the time?—A. Nearly all of that time.

Q. Have you ever been in the commission business?—A. Yes, sir.

Q. How long have you lived in Saint Louis?—A. I have lived in Saint Louis about twenty-five years.

Q. Continuously?—A. No, sir; for the last four years or a little over I have been living in Mississippi most of the time; partly in Arkansas.

Q. What business have you been employed in in Mississippi?—A. As clerk.

Q. For whom were you clerking in Mississippi?—A. I was clerking for C. M. Williams, at Greenville, Miss., for a time; Brown & Archer, a little; my last employment there was with Wise & Golskin.

Q. At what place?—A. Greenville, Miss.

Q. When did you leave there?—A. I left there, I think, on the 26th or 28th of January.

Q. This year?—A. Yes, sir.

Q. And have been residing here since?—A. And have been residing here ever since; that is, since the third of February.

Q. For what reason did you leave your last employers at Greenville?—A. Well, my letter from them will state if you wish to see it. It was owing to dullness of business.

Q. How long had you been out of the city?—A. Out of Saint Louis? COUNSEL. Yes.

A. When?

Q. When you returned here on the third day of February, since you were living here before?—A. About four years; I think I left here in January, 1877.

Q. In January, 1877, you left here?—A. Yes, sir.

Q. And went to Arkansas, did you?—A. I went to Arkansas.

35 Q. How long were you in Arkansas?—A. I was there up to October, of the same year, when I found employment at Greenville.

Q. What business were you employed in in Arkansas, Mr. Elder?—A. I was not employed in any business there.

Q. Whereabouts were you in Arkansas?—A. I was in Chicot County.

Q. What caused you to leave Saint Louis at that time, in January, 1877?—A. Failure in business.

Q. What business were you employed in when you left the city of

Saint Louis?—A. I was in the ticket brokerage business with Ed Mantz, of Chicago.

Q. What is Mr. Mantz's full name, if you please?—A. E. B., I believe Edward, I think.

Q. Does he still reside in Chicago?—A. I think he does.

Q. What kind of business is a ticket brokerage business?—A. It is buying and selling railroad tickets.

Q. Such business as is usually called scalper, is it?—A. Yes, sir.

Q. What caused your failure in that business, Mr. Elder?—A. Well, I presume, not being familiar with the business, and not doing enough of it.

Q. How long were you in that business?—A. I think about three or four months.

Q. You had charge of the business here in this city?—A. I did.

Q. Entirely?—A. Yes, sir.

Q. Mr. Mantz was in Chicago?—A. Yes, sir.

Q. Did he come here at the time the business was wound up?—A. Yes, sir.

Q. There was no difficulty between you and Mr. Mantz at the time the business was wound up?—A. No, sir; no personal difficulty.

Q. Well, what kind of a difficulty was it, if it was not a personal difficulty?—A. Well, I don't know what you mean by difficulty. Mr. Mantz said the business didn't pay, and he wanted to close it up.

Q. At the time your firm closed its business here, didn't Mr. Mantz complain and charge that you had got much more than your share out of it?—A. I thought he did so unjustly; yes, sir.

Q. Didn't he, in fact, go so far as to charge that you had taken the property and moneys of the firm to your individual use?—A. I don't think he did, sir; he just said that I had used more than I should have used.

Q. He meant that you had used more money of the firm, for the firm's use, than you should have used; he didn't claim that you had made an individual use of it, did he?—A. It was not my individual money; no, sir.

36 Q. Who put the money into the concern?—A. He did.

Q. And you put nothing in?—A. Nothing but my time.

Q. How much money did he put into that concern?—A. I really don't remember; I suppose about fifteen hundred dollars, at different times.

Q. How much money was paid back to him when the concern closed its business?—A. That I can't say.

Q. Was there any?—A. Well, not much.

Mr. DONOVAN. I object to this course of examination, because we are not engaged in the settling of partnership accounts.

By Mr. POLLARD:

Q. How much was paid back to him?—A. Well, I don't know how much was paid back to him. Mr. Mantz made out the statement, and I think he claimed that there was some four hundred dollars due him the way that he made the statement.

Q. What became of the money?—A. Which money?

Q. That four hundred dollars?—A. That he claimed was due him.

COUNSEL. Yes.

A. Well, I can't say exactly. I think that he claimed a good deal more than he was entitled to. It may have been stolen. I presume some of it was.

Q. Do you know P. H. Mantz, on Fourth street near Pine?—A. No, sir.

Q. Cousin of E. B.?—A. No, sir; that is, I may know him, but I don't recollect him now.

Q. He is a cousin of this E. B. Mantz with whom you were in partnership?—A. I don't think I know him.

Q. Isn't it a fact, Mr. Elder, and wasn't it so charged by your partner, Mr. E. B. Mantz, that the moneys which he put into this firm were gambled away by you?—A. He told me that he had heard it—that I had gambled some of his money away. I will state right here that I pronounced it false, and asked him to show me the party that had made such a statement. He never did so. He never did show me the party, and never intimated to me who it was.

Q. And you didn't tell him so?—A. Didn't tell him what?

Q. That you had gambled it away?—A. Of course I didn't tell him anything of the kind. He said that he had heard it; but when I told him he was misinformed, he never intimated who his informant was.

Q. I want to ask you why you gave testimony twice in regard to Mike Gormley?—A. Because I was asked.

37 Q. Did you make that last answer at the suggestion of the counsel for the contestee?—A. I would probably have made the same answer.

Q. You heard him tell you that it was because you were asked?—A. Yes, sir.

Q. I wish, during the remainder of this examination, that when you answer a question in accordance with the suggestions of the contestee's counsel, you will give me notice of it.

Mr. DONOVAN. I object to this complexion being placed upon the record in regard to this trivial, little matter, inasmuch as I have opened my mouth but twice since the counsel started upon his cross-examination; it is an attempt to break down damaging testimony against the contestant by imputing that the witness on the stand is not as perfect a gentleman as the counsel for contestant himself.

Mr. POLLARD. I would like to know, there being no question now propounded, why it is that the gentleman gets so excited and boils over?

Mr. DONOVAN. It is for the reason that you are unjust in the manner in which you are cross-examining this witness, and you know it as well as I do.

Mr. POLLARD. Well, the gentleman does like to make speeches better than any man I have ever seen, knowing that they go into his record. I know that he has the gift of eloquence; I appreciate that fact, and I am well aware that the gentleman himself appreciates the same fact, and I presume that that is the reason why he interjects so many speeches into this record; I can see no other cause for it. If the gentleman is now through, and has no further speech to make at this point, we will proceed with the examination of the witness.

Mr. DONOVAN. No further than to ask whether your last remarks are to be construed as a joke, or not.

By Mr. POLLARD:

Q. I will ask you, Mr. Elder, whether, as a matter of fact, during the time of your partnership with Mr. Mantz, of Chicago, you did not, on many occasions, gamble at gambling houses in this city?—A. I will ask you whether I am on trial or not?

Q. You need not answer unless you see fit.—A. Then I will claim my

privilege, and not answer any such question, because I don't see that it has any bearing on this case.

Q. I will state to the witness again that he need not answer it unless he desires to do so.

Mr. DONOVAN. And I will state that this witness is as perfect a gentleman as any man connected with this controversy, and is in no respect what Mr. Pollard is endeavoring to insinuate here; if he plays a game of poker, he does not do anything more than Mr. Pollard or Mr. Metcalfe himself does, or what many members of Congress do, for their own pleasure.

Mr. POLLARD. I will simply say this, that when the counsel for the contestee goes on the stand we will ask him some questions as to his idle vaporings, especially about myself, which he knows nothing whatever about. I have nothing further to say except the statements which he makes about my gambling are absolutely false.

Mr. METCALFE. It has nothing to do with the case, that I know of.

By Mr. POLLARD :

Q. Do you refuse to answer the question, Mr. Elder ?

Mr. DONOVAN. I object to your answering the question, as not bearing upon the facts in this controversy.

The WITNESS. I do.

By Mr. POLLARD :

Q. Mr. Elder, who employed you in this business of canvassing ?—A. Mr. Donovan.

Q. What wages did he pay you ?—A. Mighty small ones, sir; about \$1.75 a day.

Q. How many days have you been in his employ ?—A. Well, I can't state exactly; I think about—may be twenty days.

Q. The memorandum which you have consulted in answering each and every of these questions which the counsel for the contestee has put to you during the day, was made some days subsequent to the investigation concerning the various names which you have testified about, was it not ?—A. The memorandum to which I have referred ?

COUNSEL. Yes, sir.

A. Yes.

Q. And is but a copy of what purports to be a copy of other memoranda which you had previously made ?—A. Yes, sir; that is to the best of my knowledge.

Q. Now, I would like to ask you whether you found Mike Gormley residing at 1001 Biddle street ?—A. I found that Mike Gormley was boarding at 1003 Biddle street since the spring of 1880; 1001 and 1003 are the same building upstairs; that is, occupied by the same landlord.

Q. I will do this: I will ask you the question, and desire that you answer the question as put, and I don't want any further remark about it. Did you find Harry Miller at 1122 North Fourteenth street ? He is the next man that you testified about.—A. I don't think I testified about any such party.

Q. I ask you again; did you find Harry Miller living at 1122 Fourteenth street ?—A. I went there and ascertained—

Q. Will you answer that question ?—A. I found him at 1120.

Mr. DONOVAN. I object to the counsel for the contestant stopping the witness in the midst of an answer; he was proceeding to give the gentleman a full answer on the subject.

Mr. POLLARD. I would like to have the witness answer the question I put to him, and none other; and that question was: Did he find Harry Miller at 1122 North Fourteenth street?

A. I found that Harry Miller lived in the rear of 1124 North Fourteenth street.

Q. You learned from some source that he moved from there some time in February?—A. Yes, sir; February of this year.

Q. You don't know the man personally?—A. No, sir.

Q. And you don't know personally one individual whom you have testified about here this morning?—A. Well, I don't think I do.

Q. You are not familiar with that portion of the city in which these people are said to have once resided?—A. No, sir; I have very little acquaintance in that neighborhood.

Q. And the only information that you, have and which you have given here to-day concerning those people, is what you elicited in that canvass?—A. That is all, sir.

Q. And that you have read from the memorandum which you now and during the whole course of your examination have held in your hand?—A. Yes, sir.

Q. Is it not a fact that you found that Andrew J. Toole did not and never did reside at 1017 North Fourteenth street?—A. I ascertained that he lived at the next door north of that; there is no number on the house where he is living; my presumption is that that is why he gave his number as 1017, but it should have been 1019; there is no number on the house.

Q. Does he live there now?—A. No, sir.

Q. Where did you find that Andrew J. O'Toole was living?—A. That is the one you have just asked me about.

Q. No, sir; I asked you about Andrew J. Toole?—A. Well, then I answered you as for Andrew J. O'Toole.

Q. Now, I will repeat my first question: Is it not a fact that you ascertained that no man by the name of Andrew J. Toole had ever resided at 1017 North Fourteenth street?—A. I did not inquire for Andrew J. Toole.

Q. And know nothing whatsoever about him?—A. I inquired for Andrew J. O'Toole, and received this information which I have given you.

Q. But you made no inquiry and elicited no information concerning Andrew J. Toole?—A. No, sir; I did not.

Q. Is it not a fact that you ascertained that John Dugan did not reside at 1124 North Sixteenth street, and that he never resided there?—

A. I ascertained that John Dugan lived upstairs at 1127 North Sixteenth street.

40 Q. I wish you would repeat my question, Mr. Kraft? I will repeat it myself: Is it not a fact that you did ascertain that John Dugan did not live at 1124 North Sixteenth street and that he never lived there?—A. I went to 1124 North Sixteenth street, and was informed that Mr. Dugan lived on the opposite side of the street; I went to 1127 and found that he lived there.

Q. Did you ascertain whether or not any man by the name of John Dugan lived at 1124 North Sixteenth street? And from what source did you obtain such information?—A. I think I have answered that question several times.

Q. No; I have asked you the question repeatedly and you have not answered it.

Mr. DONOVAN. I object to the counsel for the contestant splitting hairs on typographical errors of which his entire case is made up.

Mr. POLLARD. I split no hairs ; my case is not made up of typographical errors ; but the counsel for the contestee's defense is absolutely made up of much less than typographical errors ; it is based upon this : The names and addresses concerning which we are inquiring are the names and addresses of those individuals who registered and voted on last election day, and from these places where they do not and never did reside ; now, they are attempting to show that other men sometimes with similar names and sometimes with the same name resided at different places from that shown on the registration lists ; we propose to show that these parties voted not from the place where they actually resided—and it is probable that they did that also—but that they gave wrong addresses and voted from them on election day, having specially registered from these fraudulent places on election day.

Mr. DONOVAN. The counsel for the contestant, by his remarks, shows that he is fully able to write a sensational novel.

Mr. POLLARD. Never having been in the sensational novel business, or any other kind of sensational business, but being a plain, blunt man, who tries to do business right, I would like to have the witness answer the question whether he ascertained that John Dugan did or did not live at 1124 North Sixteenth street ; it is a very brief question, and can be very easily answered ?

A. He may have lived there at some time ; but I know that he now lives, and has for some time past lived, at 1127 North Sixteenth street.

Q. You found no man there by the name of John Dugan at 1124 North Sixteenth street ?—A. I found the man at 1127.

Q. The question is whether you found him, John Dugan, at 1124 ; if you didn't find him say so ; if you did, say so ; that is all I want.

Mr. POLLARD. I object to the counsel for the contestee instructing the witness how he should answer these questions. It is a fact patent to the officer taking these depositions that the counsel for the contestee sits within eighteen inches of the witness, and upon being asked a question the witness has in many instances been informed what answers to give.

Mr. DONOVAN. For the purpose of making an elaborate volume of this record, Mr. Pollard insists upon making this character of speeches. I submit to the committee, or to any member of the House who will read this testimony, that the record shows that this witness has stated that he went to 1124 and found that Mr. John Dugan did not live there, but lived across the street at 1127 ; that he thereupon visited that place and ascertained this information which he now gives, or has given so repeatedly ; and I do object to this manner of annoying and brow-beating the witness.

By Mr. POLLARD :

Q. I will ask you the question whether you refuse to answer my question—the question I have put to you ?—A. I have not refused to answer any question that I am aware of.

Q. Well, then, will you please to answer ? Did you find any man by the name of John Dugan residing at 1124 North Sixteenth street ?—A. I did not ; at the time I made the inquiry I found him living at 1127. He was not at that time living at 1124.

Q. I don't think it would have been very troublesome to have answered that way before.—A. I don't see that it makes much difference.

Q. Did you find a man named John Wirthlin living at 1003 Biddle street ?—A. I was informed that he boarded there in November, 1880.

Q. Did you find such a man there when you made your inquiry this

present month ?—A. I inquired for the proprietor of the boarding-house and saw him. I asked him about this man Wirthlin—John Worthlin—if he was living there; he told me that he had been boarding there, and that he was there in November.

Q. But he was not there at the time you made this inquiry ?—A. I don't think he was; I am not positive as to that.

Q. You didn't see him yourself—this man Wirthlin ?—A. No, sir; I did not.

Q. And you didn't learn the day in November that he had left there ?—A. I did not.

Q. Did you inquire for a man named E. D. Maher at 1102 Carr street ?—A. I inquired for Ed. Maher.

Q. And you did not inquire for a man by the name of E. D. Maher ?—A. I inquired for Ed. Maher.

Q. Will you please answer my question ? That is a simple question ; I wouldn't be a hundredth part as long in cross-examination if you would but answer the questions I put to you without making explanatory statements in connection with each answer ?—

A. I didn't inquire for such a man.

Q. Did you find a man named James Moran, living at 1108 North Thirteenth street ?—A. I would like to amend my last answer.

Q. At the suggestion of the counsel for the contestee ?—A. He did not tell me to amend it.

Q. Didn't he suggest to you that you should do so ?—A. You were so rapid in asking your question, that you force a question on me, before I had completed my last answer.

Q. Did not the counsel, who sits within eighteen inches of you, suggest to you to make an addition to that last answer ?—A. Yes, sir; but I hadn't finished my last answer; I will make it at my own suggestion; It is this: I inquired for Ed. Maher, at 1102 Carr street, and I found his wife there who informed me that they had been living there since the fourth of July, 1880; the room, the number of it, is 7, either on the second or third floor.

Q. But E. D. Maher you did not inquire for ?—A. E. D. I did not; no, sir.

Q. Now, will you answer the other question that I asked you, did you find James Moran at 1108 North Thirteenth street ?—A. I inquired for James Moran, and I found him living at 1118 North Thirteenth street since the first of September.

Q. Now, will you please answer my question, did you find a man by the name of James Moran residing at 1108 North Thirteenth street? You say that you inquired there; do you not make the answer at the suggestion of the counsel for the contestee who sits at your elbow ?—A. You just ask your question and I will answer it; what is your question ?

Mr. POLLARD. I object to the counsel for the contestee testifying at this present time, when a witness is upon the stand, and unless he be first sworn; and I furthermore object to the said counsel making these numerous suggestions to the witness.

Mr. DONOVAN. If the committee were present here and saw this proceeding they would say, "What twaddle, Mr. Pollard, you are at present indulging in; this is simply a desperate effort on your part to make an impression on this record which you have no facts to substantiate."

Mr. POLLARD. If the gentleman views these remarks in the light of twaddle, I am not responsible for the crookedness of his ideas; but the object and the whole object and purpose of these questions is to ascer.

tain whether or not the men who were registered at certain places, and who voted on their registration from those places, resided there on the day of election, and for no other object in the world. Now, I will repeat my question.

43 Mr. DONOVAN. To relieve this gentleman from all further objections, I will retire from this room and leave the witness in his hands; but before going I will ask the counsel for the contestant to please go on with the cross-examination of this witness as rapidly as possible, as I have other witnesses at hand; I will now retire from the room, so that the counsel may have no further incentive to put these ridiculous objections upon the record.

Mr. POLLARD. You thereby admit that the objections which I have made have full force.

Mr. DONOVAN. No; I want to complete this record some time between this date and the first of January, 1891; and for that reason I leave the room and leave the witness in your hands.

Mr. POLLARD. I shall regard your absence at this time as an admission of the justness of my objections.

Mr. DONOVAN. The record will show that from this time forth I am not present in the cross-examination of this witness, and there will be no further occasion to interject these desperate stump speeches by the contestant's counsel under the guise of objections.

(Mr. Donovan then retires from the room.)

By Mr POLLARD :

Q. My question just simply is this : Whether you found a man by the name of James Moran at 1108 North Thirteenth street ?—A. I did not find James Moran at 1108 North Thirteenth street, but I found him living at 1118 North Thirteenth street.

Q. That is, you found a man by the name of James Moran living at 1118 ?—A. Yes, sir; I presume the same James Moran.

Q. On what do you base your presumptions ?—A. I presume that it is a mere clerical error; that is very easy to make an error between 1108 and 1118.

Q. Did you find a man by the name of W. D. Sweeney at 2005 Carr street ?—A. I did not find Mr. Sweeney—W. D. Sweeney at 2005 Carr street, but I found him at 2025 Carr street; and he is a gentleman that is well known.

Q. Are you personally acquainted with him ?—A. I have seen the gentleman, but I haven't the honor of his acquaintance.

Q. But still you are prepared to swear that he is well known in the city ?—A. I am swearing from the fact that he is known in the grocery stores and in the neighborhood, and consequently he ought to be pretty well known; he is also sexton or janitor, or something of that kind, of a church.

Q. You mean when you say he is well known, that he is a man of national reputation ?—A. No, sir; not at all.

Q. Did you find George Dotzler residing at 1903 Carr street ?—A. I found that George Dotzler did live at 1903 Carr street but afterwards moved to 1907 Carr street, where he is living at the present time.

44 Q. When did he move ?—A. He moved in October, 1880; he moved from 1903 Carr street prior to the last November election; he moved since October, 1880.

Q. When did he move ?—A. Since October, 1880.

Q. Do you know anything more definite than that? You can give no more definite answer than that ?—A. Nothing more definite than

that; it might have been the first of the month or the last of the month.

Q. Who gave you that information?—A. That information was given to me by Mrs. Dr. Antoine, I think she lives at 1903 Carr street, with whom George Dotzler lived for some time.

Q. In the testimony which your associate Mr. Furay, gave yesterday he stated that Mr. George Dotzler had been removed from 1903 Carr street eighteen months; the testimony which you elicited does not corroborate that, does it?—A. You have my testimony there; that is the answer that I received from the gentleman or lady in whose employ he was.

Q. Did you find John Newell at 2023 Biddle street?—A. I did not find John Newell at 2023 Biddle street, but I found him at 2026 Biddle street; that is nearly directly opposite; and he has been living there for the past four or five years.

Q. When you say that you found him there how do you know that it is the John Newell to whom I refer; isn't it a fact that you mean that you found one John Newell, or a man named John Newell, living at 2026 Biddle street?—A. That is a fact that I found that Newell lived at 2026 Biddle street; and it is also a fact that I presume that it is the same party as 2013, as you have it.

Q. But you have no personal knowledge of that; it is simply a presumption on your part?—A. I do not swear that it is not a presumption, but it is such a presumption that it is a very uncommon name, and there would not very likely be two of such a name living in such close proximity.

Q. Isn't it very probable that the reason that some individual having some other name should register under the name of John Newell on election day from 2023 Biddle street because it was an uncommon name?—A. Well, sir, I am not deep enough in the mire of politics to have any such presumption as that.

Q. And you did not find a man by the name of Theodore Bucklin at 1121 North Twenty-first street; or, in other words, who did you find there? You found a man residing there whose name was Theodore Burtlin?—A. I found that there was a man by the name of Theodore Burtlin living there at 1121 North Twenty-first street last November.

Q. And had moved away?—A. And had moved away since.

Q. And you assume that there was no such man living there as Bucklin—Theodore Bucklin?—A. The name as given to me by the parties there was Burtlin.

45 Q. Did you inquire for Bucklin?—A. I inquired for Bucklin, I think, and they told me it was Burtlin.

Q. And they told you that there was no Bucklin there; did they or did they not?—A. They told me that the name must be Burtlin.

Q. What, if anything, did they say about Bucklin being there?—A. They said there was a man by the name of Burtlin living there.

Q. I would like to ask you, Mr. Elder, why it is that you refuse to answer the questions until after they have been repeated five or six times to you?—A. Because I think you are asking questions based on mere technicalities. It is very natural for some people, who are not very good penmen, to make Bucklin out of the name Burtlin; I don't see what you expect to gain by splitting a hair; I answer you the question, as I think, honestly and fairly under the information I have obtained.

Q. My question, I will repeat again, is whether you found a man by the name of Theodore Bucklin at 1121 North Twenty-first street, or at

any other place?—A. I found a man at 1121 North Twenty-first street that had been living there by the name of Theodore Burtlin; he may have been called by some people Bucklin; but his name as given to me by all the parties residing there is Burtlin.

Q. And you found no Bucklin?—A. No Bucklin, as I understood the name.

Q. Now, is there any such number as 1121 North Twenty-first street?—A. There is, sir.

Q. Which side of the street is it on?—A. On the west side of the street.

Q. What kind of a house is it?—A. A two-story brick; right close to where Dennis Buckley lives.

Q. Dennis Bucklin lives there?—A. No, sir; Dennis Buckley. There is also a house adjoining this.

Q. Is that a residence?—A. It is a residence with a store underneath; a two-story brick house.

Q. No. 1121 North Twenty-first street?—A. No. 1121 North Twenty-first street.

Q. You are sure of that?—A. I am sure of that.

Q. The number is there on the front of it?—A. The number is there on the front of it, and the house next door is 1119; now, when I come to think of it, I think that the house that should be numbered 1119 is numbered 1121, and the one that is numbered 1121 should be 1119. That is my recollection of it. I know that it struck me as peculiar—the numbers up there; still it may be the other way. I know there is two houses there—1119 and 1121.

Q. And you elicited the fact that G. H. Walsh went to 1204 North Seventh street in September, 1880, and staid there until February, 1881, as a boarder, and then went to some other place?

—A. Yes, sir; that is the information I obtained.

Q. How many John Kanes did you find at 1218 North Seventh street?

—A. I found one.

Q. Did you find any more than one?—A. I only inquired for one.

Q. And consequently you found no more than you inquired for?—A. No, sir; that is all I inquired for.

Q. Did you inquire for Patrick Kane there?—A. No, sir.

Q. And you found that William H. Atwood left 1719 Seventh street January 1, 1881?—A. That was the information that I received; that he lived there in the fall of '80, and that he moved on January 1, 1881.

Q. Did you learn at what time in the fall of 1880 he went there?—A. No, sir; I did not.

Q. Did you find J. H. Grayson, 826 Broadway?—A. I found that J. H. Grayson had been living at 826 Brooklyn street for more than a year past.

Q. Did you inquire for him?—A. He moved since the 1st of March, 1881.

Q. Did you inquire for him at 826 Brooklyn street?—A. No, sir; I don't presume there is any such number on Broadway. I didn't go to look for him on Broadway.

Q. And whether there is such a man living at 826 Broadway you don't know?—A. I really don't know. I didn't go there to inquire. My memorandum was to inquire for him at 826 Brooklyn, where I went and inquired, and found that he had been living for more than a year past.

Q. Did you find John Phelan at 1700 North Ninth street?—A. I found John Phelan at the house which would be numbered, I presume, 1700

North Ninth street, as it stands on the northeast corner; but there is no number on the side of the house there, as the proper entrance to it is from the street running east and west.

Q. That is Howard street, is it not?—A. I really don't know, sir; I am not familiar with it.

Q. There is no such number as 1700 North Ninth street?—A. There is a house there that would be numbered that.

Q. Is there any such number there?—A. I didn't see that number—1700—I saw right along near the entrance to this place a kind of a side entrance numbered 1704.

Q. Isn't the place where you found this man in a house numbered 825 Howard street?—A. I didn't notice the number on the street running east and west.

47 Q. Did you inquire at 913 Biddle for Patrick Hannon?—A. I found Patrick Hannon living at 813 Biddle street up to about the 1st of December.

Q. Did you inquire for him at 913 Biddle street; did you inquire there for a man by that name or by the name of Hammon?—A. I don't know whether there is such a number as 913 Biddle street; I inquired in the neighborhood for Patrick Hannon, and was informed that I would find him at 813 Biddle street. I went there, and found that he had been living there up to first of December.

Q. But it is a fact that there is no such number as 913 Biddle street?—A. I can't state positively whether there is or not.

Q. You did not inquire for any man of the name of Hammon?—A. I inquired for a man by the name of Patrick Hannon.

Q. And no one else?—A. No one else.

Q. Did you inquire at 713 Biddle for the same man?—A. I don't don't think I have any memorandum of that name or address.

Q. Did you inquire for him there?—A. I don't think I did. I only inquired for such as I had memorandums of.

Q. You found that Patrick Hannon lived at 813 Biddle street?—A. Yes, sir; that is what I just told you; that he had lived there up to the first of December.

Q. Did you find M. Kehoe at 1328 North Eighth street?—A. I found M. Kehoe living at 1338 North Eighth street for the past three years.

Q. Did you inquire for him at 1328?—A. I think I did; I am not sure.

Q. If you did, did you find any man living there by that name?—A. I did not find M. Kehoe living at 1328 North Eighth street, but at 1338 North Eighth street, upstairs, where he had been living for the past three years.

Q. Did you find a man by the name of John Maher at 1328 North Eighth street?—A. I found John Maher at 1320 North Eighth street, where he has been living for the past two years.

Q. Did you inquire at 1328 North Eighth street for a man by the name of John Maher?—A. Well, I can't say that I did; I am not positive whether there is any 1328; but I found him at 1320 North Eighth street, and he had been living there for the past two years.

Q. And you ascertained that Jerry O'Toole left 815 O'Fallon street on or about the last of January?—A. So I was informed; yes, sir.

Q. You don't know, of your own personal knowledge, when he did leave?—A. No, sir; I do not.

Q. And you don't know how long he had been living there prior to

that time?—A. I do not know how long he had been living there; I was informed that he had lived there.

Q. And left on or about the first of January?—A. And had left since the first of January.

Q. Did you inquire for a man by the name of John Magner, No. 1319 North Seventh street?—A. I don't think that I testified about any such party. I found a John McKeown living at 1319 North Seventh street for the past two or three years.

Q. But no man of the name of John Magner?—A. I don't think I inquired for John Magner. My memorandum here states it was John McKeown.

Q. Did you ascertain that John Wirthlin had boarded some time last November at 1003 Biddle, did you not?—A. Yes, sir.

Q. You ascertained when he went there to board and when he left there?—A. I don't know that I asked about when he left there; I asked if he had been living there, and the proprietor of that house told me that he had. I asked him if he was there in November last, and he told me that he was.

Q. And that is all the information that you have upon your memorandum?—A. Yes, sir. I think, though, that I have made inquiries about that party twice, as he was on two different memorandums.

Q. You only testified about it once?—A. One inquiry—well, at any rate I can't give you any more information than I have.

Q. That is all the information that you find on your memorandum?—A. Yes, sir.

Q. Did you inquire for a man named James Carroll at 1413 North Eighteenth street?—A. I inquired for James Carroll at 1410 North Eighteenth street, and I found his mother, who told me that her house is 1412; that her son had been born and raised there.

Q. At 1412?—A. 1412, and that he is living there now.

Q. Did you inquire for any man at 1413 North Eighteenth street?—A. No, sir; I have no memorandum for any person there.

Q. So you did not inquire for Carroll or anybody else there?—A. No, sir; I had no memorandum to go and look for anybody there.

Q. Did you inquire for a man named Patrick Fitzmorris at 1418 North Eighteenth street?—A. I did, sir.

Q. Did you find him living there?—A. I found that he had lived there about a year ago.

Q. Left there about a year ago?—A. I don't know when he left there.

Q. How many Bakers did you find at 2277 O'Fallon street?—A. I found two, sir.

Q. And no more?—A. I only inquired for two, Andrew and J. W. Baker.

Q. And you made no inquiry and elicited no information concerning any other Baker there?—A. I did not inquire for any other man named Baker there. Those were the only Bakers that I inquired for, Andrew Baker and J. W. Baker. I ascertained that they had both been living there for the past two years.

Q. Did you find J. H. Coates at 2407 O'Fallon street?—A. I found that J. H. Coates had lived at 2307 O'Fallon street, and that he had been living there last November.

Q. Did you find out what day in November he left there?—A. I didn't find out that he left in November at all; he may not have left until February or January of this year.

Q. Did you find out when he went there to live?—A. No, sir.

Q. And you don't know him personally?—A. I was informed by the

landlord and also by the grocery man in the neighborhood that he lived there in November; that is all I thought it was necessary to inquire about him.

Q. Matthe v Dee, on Twenty-sixth street, between Cass avenue and Dickson street; was he living there when you made the inquiry?—A. He was living in the neighborhood of Twenty-sixth street, between Cass avenue and Dickson street, at the time of the election last November.

Q. Which was it, on last November or on the day of the election?—A. I was informed by several parties that he was living there at the time of the election in November.

Q. Wasn't your testimony given before that you were informed by a policeman and several others that he had lived there in November?—A. Yes, sir.

Q. And that they told you that they had some difficulty; that is, he and his wife had some difficulty, and were not living together, and that she was living somewhere in that neighborhood?—A. Yes, sir; that he was living somewhere in that neighborhood now; that is, his wife's residence was pointed out to me, but I knew I couldn't see him there, so I didn't go there.

Q. That is all that you ascertained about him?—A. I ascertained that he was well known in the neighborhood there; I saw several parties there that knew him.

Q. Now, you say that 2421 Dickson street is between Twenty-seventh and Twenty-ninth streets, is it?—A. Yes, sir.

Q. Between Twenty-seventh and Twenty-ninth streets?—A. Yes, sir.

Q. Do you know what Twenty-seventh street is named; what other name it has, if any?—A. No, sir; I do not; unless it may be Elliott avenue, or something like that. I went to Dickson street, between Twenty-seventh and Twenty-ninth streets, to look for John Walsh; I found that he was living there, and had been living there for the past fifteen years; the number of the house is 2421, and the tax-bills were made out to No. 2417.

Q. And the first street east of her house is Twenty-seventh, and the first street west of that house is Twenty-ninth street?—A. I can't say positively what the numbers on the street are.

Q. How are you able to say that it is between Twenty-seventh and Twenty-ninth streets?—A. Because the same party informed me that the street just west of where he lived was called Twenty-ninth street, and I think that block was, according to my recollection, about two blocks in length, so that would make the other street running north and south called Twenty-seventh, or Elliott avenue, or some other name; I don't know what the name of it is.

Q. Isn't that house, 2421 Dickson street, east of Jefferson avenue?—A. Well, I don't know where Jefferson avenue comes in there; you have got me there, for I am not posted.

Q. You don't know what number Jefferson avenue is—what numbered street it is?—A. No, sir; I don't know what street it would be if it were numbered.

Q. Which side of Cass avenue did you find Mr. Richard Doe living in?—A. I found him on the east side. No; it was on the east side of Twenty-eighth street. He is on the south side of Cass avenue east of Twenty-eighth street. His wife informed me that he had been living there since last August.

Q. You found John Bahan, or Behan, one or the other, residing at 2445 Dickson street?—A. Yes, sir; been living there in the rear of

that house for the past fifteen years. It is in the same block that John Walsh lives in. It is designated as Dickson street, between Twenty-seventh and Twenty-ninth streets.

Q. It is designated so on your memorandum you mean, do you not ?
—A. It is designated as between Twenty-seventh and Twenty-ninth streets.

Q. On your memorandum ?—A. On my memorandum ; but the number of the house is 2445.

Q. And you found at the same number Thomas Lahey ?—A. Yes, sir.

Q. But, of your own knowledge, you don't know between what streets this number is, as I understand you to say ?—A. No ; I don't know positively, because I don't know where and how the streets are located up there. I don't know where Jefferson avenue comes in at, or whether Twenty-seventh street is not sometimes called Elliott avenue. I am not familiar with the names of those streets up in that section of the city.

Q. You say that you found John Gorman at 2701 Dickson street ; I want to ask you how far that number is from 2445 Dickson street ; how many blocks apart are those two houses ?—A. I think that it is in the same block ; that is my present recollection.

Q. You ascertained that Bernard Carlin had moved from 1227 North Sixteenth street since the twentieth of November ?—A. Yes, sir.

51 Q. Did you ascertain also when he moved to 1227 North Sixteenth street ?—A. I did not.

Q. Did you ascertain whether Val. Sochs slept at 1103 North Fifth street, or whether, as a matter of fact, he only worked there as a watchman, and had his home at some other place ?—A. I was informed that he slept there.

Q. What kind of a place is 1103 ?—A. It is a public sales stable. I inquired particularly of one of the proprietors, because I doubted whether a man could sleep there, and, as I wanted accurate information, I asked him whether Mr. Sochs slept there, and he told me that he did.

Q. You didn't see Mr. Sochs himself ?—A. I did, sir.

Q. What did he say ?—A. I didn't speak to him at all. I saw he was busy talking to some parties at the stables, so I didn't interrupt him. He was pointed out to me.

Q. Who gave you that information ?—A. One of the proprietors, I presume ; he seemed to be at home there in the office.

Q. What was his name ?—A. I didn't inquire for his name.

Q. Do you know whose stable it is ?—A. I think it is Pohlman's ; that is my recollection now ; it is on the corner of Fifth and Cass avenue.

Q. Which side of Fifth street ?—A. On the west side.

Q. And you think it was Mr. Pohlman who gave you the information ?—A. I didn't say it was Mr. Pohlman ; I said it was some one that seemed to be connected with the stables.

Q. Do you know Mr. Haggerty ?—A. No, sir.

Q. And you do not know whether it was he that gave you that information or not ?—A. I do not, sir.

Q. You ascertained that Martin Keefe had boarded at 1300 Collins street, and that he had left there since January, 1881 ?—A. Yes, sir.

Q. Did you learn when he went there to board ?—A. I didn't ask when he went there to board. I asked if he was boarding there last fall.

Q. And they told you he was ?—A. They told me he was. I gener-

ally asked if these parties lived or boarded at these places on last election day.

Q. Does your memorandum show anything in regard to election day as applying to Mr. Keefe?—A. It says nothing, sir; it says, "boarded there last fall."

Q. Did you see Anton Youngman personally, a gentleman who is reported to reside at 1447 Collins street?—A. I don't think I did, sir.

Q. But you learned from some source that he had lived there
52 about six months?—A. I did.

Q. Do you know from what source you obtained that information?—A. I obtained that information from some lady, I think, either in the house or in the house adjoining.

Q. You say that you were informed that John Sullivan boarded at 1217 Collins street last November?—A. Yes, sir.

Q. Did you gain any information as to when he left there?—A. I don't think I asked for any.

Q. That is all there is on your memorandum, is it not?—A. Yes, sir.

Q. And you have no personal recollection, except as you find it on your memorandum?—A. I have in some instances.

Q. I mean in this instance?—A. In this instance I have not.

Q. And that doesn't say when he went there nor when he left?—A. No, sir; except that he was there in November.

Q. You did not find William Lannigan at 1203 Collins street, but you did find a man named William Lannigan living at 1231 since last October, did you not?—A. Yes, sir; I saw the gentleman, and told him that he was registered from 1203 Collins street, and he said something about there being a mistake about it in some way or other.

Q. But he never claimed to have lived there?—A. I don't know, sir, whether he claimed to have lived there or not; he was living at 1231 Collins street. I think he said that the clerk, or somebody, whoever it was, took down the name at the registration office, that that party had taken it down wrong.

Q. When did you see him?—A. I saw him, I think, about the middle of this month.

Q. That is, you say now positively that it was about the middle of the month that you saw him?—A. Yes, sir; about that time; it was between the tenth and the twentieth.

Q. Did you know the man personally?—A. I did not; I inquired for him down-stairs and was told he was living upstairs. I went upstairs and knocked at the door, and his wife showed me the gentleman in bed; he was sick in bed.

Q. Now, if that man Lannigan has been in jail for the last five months, and is still there, then you didn't see the right man?—A. I saw the man that I was told was William Lannigan.

Q. At 1231 Collins street?—A. At 1231 Collins street; yes, sir.

Q. And there is only one man of that name there?—A. That is the only man I saw in that room; I inquired for William Lannigan down-stairs and they told me he lived upstairs.

Q. And you found no William Lannigan at 1203 Collins street?—A. My recollection of it is that there is no 1203 Collins street. As I say, he told me it was a mistake in putting him down at 1203; I don't think there is any such number.

53 Q. Did you find that Edward M. King left 1239 Collins street on or about the 11th of last November?—A. I was informed that he lived there up to the 11th of November.

Q. Does your memorandum show any other information than that?

—A. No, sir.

Q. Have you any personal recollection of that particular personage?

—A. No, sir; I have not.

Q. And you do not know when he went there, nor how long he staid there; simply that he lived there on or about the eleventh of last November?—A. I was informed that he lived there up to the 11th of November.

Q. And that is all the information that your memorandum shows?—

A. That is all the memorandum I have.

Q. There is no such number as 1200 Collins street, is there?—A. I think there is.

Q. What kind of a building is it, if there is such a number?—A. A little one-story, I believe, nut and bolt works.

Q. Not a residence?—A. No, sir; not a residence.

Q. And nobody lives there?—A. I presume not.

Q. And this man Pat. Buckley you found on the southwest corner of Twelfth and Collins?—A. No, sir; I never stated that I found him there; I said that I found that he had boarded on the southwest corner of Collins and Biddle, I think; if you will wait a moment I will tell you for certain. (Referring to memorandum.) I said that he lives on the southwest corner of Biddle and Collins street; the number 1200 Collins street is on the northeast corner.

Q. Of Biddle and Collins?—A. Biddle and Collins.

Q. Did you inquire for Thomas Keefe at 1427 Collins street?—A. I found that Thomas Keefe was boarding at 1437 Collins street, up to the 15th of November, 1880.

Q. Did you make any inquiry for Thomas Keefe at 1427 Collins street?—A. I presume I did if there is such a number.

Q. Is there such a number?—A. I am not positive.

Q. If you made such an inquiry, and there is such a number there, did you find a man by that name there?—A. I did not find any man of that name at 1427 Collins street, but I found him at 1437 Collins street.

Q. That is, you found a man of that name at that number?—A. Yes, sir; a man by the name of Thomas Keefe had been boarding there up to the 15th of November; he is not there now.

Q. Does your memorandum show when he went there to board?—A. It does not, sir.

Q. And you don't know, of your own personal knowledge, do you?—

A. No, sir.

54 Q. You inquired at 1249 Collins street for Mr. Wickerson, and you found no such man; you, however, did find a man named William Nickerson, did you not?—A. Yes, sir.

Q. You saw the man himself?—A. I don't know whether I saw himself or not.

Q. Did you ascertain from any one living there that this is the same Nickerson who is indicted in the United States court for having voted twice last fall?—A. I didn't make any such inquiry, and didn't learn anything of the kind.

Q. And you know nothing whatever about it?—A. No, sir.

Q. And you found no man of the name of Wickerson living there?—A. No, sir; but I found that there was a man by the name of William Nickerson living there upstairs now, and has been there since August, 1880.

(At this point Mr. Donovan reappears.)

Q. And you ascertained that Mike Croake moved from 1507 North Main some time in November, and that since that time his house has been torn down?—A. I ascertained that he lived there up to some time in November, and that the house has been torn down since; I don't know whose house it was.

Q. Is that all your memorandum shows in regard to that man?—A. No, sir; it shows where he lives now on Florida street.

Q. Does your memorandum show what time in November the house was torn down?—A. No, sir; some time in November, though.

Q. Does it say what time in November he moved from there?—A. He lived there up to some time in November; it doesn't say the day of the month nor the day of the week.

Q. And it doesn't say when he went there to live?—A. No, sir.

Q. And you don't know, of your own personal knowledge?—A. No, sir; I do not.

Q. And you have the same information and none other concerning Patrick Croake?—A. I have the same information in regard to him that I have in regard to Mike Croake.

Q. And the same information concerning Ed. Cody?—A. No, sir; not the same information in regard to him, because he didn't live there in the same house; he lived at 1509.

Q. But you have the same information concerning Nick. Fitzpatrick that you have concerning Ed. Cody?—A. I have the same information in regard to Nick. Fitzpatrick as I have in regard to Edward Cody.

Q. Did you find a man named Wilson Gross residing at 1435 North Second street, from which number he had been specially registered on election day?—A. I saw Mr. Wilson Gross, and I found that he lives in a house which has no number on it, on the east side of North Second street nearly opposite to 1435; the house number would be about 55 1430 or 1432; I informed him of the fact that he was registered from 1435, and he said that he remembered having registered that way, but that it was a mistake.

Q. That he was living on the opposite side of the street?—A. He was living on the opposite side of the street; he said there was no number on his house, so he just gave that number, but he lived right across the street.

Q. And you ascertained from _____ source that Patrick Gill had moved away from 1413 North Second street some time about the fifth of November, did you?—A. I learned that he lived there up to about that time.

Q. From whom did you get that information?—A. Well, I don't remember the party; it was some one there in the house.

Q. You do not now, as a matter of fact, remember who gave you that information?—A. I don't remember whether it was a man or a woman.

Q. Did you make any inquiries for a man named Patrick Hurg, 1548 North Second street?—A. I don't think I inquired for such a party; I inquired for Pat. King there.

Q. Did you inquire for a man named Pat. Huey there?—A. No, sir; not that I remember of.

Q. You did find that a man named Patrick King lived there?—A. Pat. King lived there for the past two years, on the third floor.

Q. Is it a large house?—A. Yes, sir; I should judge so, because he lives on the third floor.

Q. But whether Pat. Hurg or Pat. Huey lived there, you have no information whatever?—A. No, sir.

Q. You inquired at 1709 and found there a man who told you he had

lived there for eight years, and told you his name was T. D. Donohue, did you?—A. I didn't say so, sir.

Q. What did you say?—A. I said that I found that there was a man living by the name of T. D. Donohues, and had been living there for the past eight years; I didn't say that I had seen him.

Q. Did you ascertain whether or not there was a man living there by the name of A. D. Donohue?—A. I did not inquire for such a party; I didn't so swear; T. D. Donohue is on my memorandum.

Q. Did you ascertain whether or not any man by the name of A. D. Donohue, or S. D. Donohue, or A. D. Doahoe, or S. D. Donahoe lived at 1709 North Second street?—A. I didn't inquire for any of those parties; I inquired for T. D. Donohues, according to my recollection and according to my memorandum, and I was informed that he had been living there, at 1709 North Second street, for the last eight years. ¶

Q. And you elicited no information and you have no knowledge concerning either of these other parties—these other four gentlemen whom I have asked you about?—A. No, sir; I don't remember any.

56 Q. Now, I will here state that I may have inquired for A. D. Donohue, I don't know; I am not positive; but I find that there was a T. D. Donohue there living there, and who has been living there for the past eight years.

Q. And your memorandum fails to refresh your memory as to anybody else there?—A. No, sir; there is another party at that house, and his name is John Drum, jr.

Q. Now, did you inquire at 1541 North Second street for Patrick Mohan?—A. I inquired by going up into the second floor, knocking at the door, and seeing Mrs. Pat. McMahan there; it was her husband that I was trying to ascertain if he was living there.

Q. But you made no inquiry for Mohan?—A. No, sir.

Q. And know nothing about it?—A. I was inquiring for Pat. McMahan.

Q. Have you any knowledge or information concerning Pat. Mohan?

—A. Pat. McMahan is the name I have got.

Q. But no Mohan?—A. No, sir.

Q. Did you inquire at 1528 North Second street, for John Crowley?

—A. I found John Crowley at 1538 for the past fourteen years.

Q. Now, I will ask you again if you inquired for him or for any man of that name at 1528?—A. I may have probably done so if there is such a number.

Q. If there is such a number, and you did inquire for him, did you find him, or a man of that name there?—A. I did not find John Crowley at 1528 North Second street; but I did find him at 1538 North Second street. I looked for these parties and I found them living in the neighborhood.

Q. Your instructions were if they did not live at the places designated on your card, you were to hunt them up, and see if you could find them?—A. No, sir; not at all.

Q. That is what you did do, though?—A. Yes, sir; that is what I did do, and what I considered it my duty to do.

Q. And wherever you didn't find a man at the number given, you endeavored to find another man of the same name at another place?—A. Yes, sir; taking it for granted that probably mistakes had been made by some one in putting the number down wrong.

Q. That is an inference?—A. That is an inference, and a very natural one, too.

Q. How many names were given to you by Mr. Donovan?—A. I really don't know; I never counted them.

Q. About how many?—A. I can't say; you can count them if you wish; I never took the trouble to count them. There may be all the way from one hundred to three hundred.

Q. Did he give you what purported to be a whole list of names passed upon by Hyde?—A. I don't remember; he gave me certain lists with parties names on them and their addresses, to see if I could find them; I don't know whether it was their whole list or not.

Q. The list, in your judgment, contained the names of from one hundred to three hundred names—or four hundred?—A. In all of the lists?

COUNSEL. Yes; all that he gave you?

A. Yes, sir.

Q. Now, isn't it a fact that there was over six hundred names on that list?—A. I don't know that it is, sir.

Q. Isn't it your judgment that it was that many?—A. No, sir; it is not my judgment that there was that many.

Q. How many, in your judgment, were there on the list?—A. As I have said I can't say positively, because I don't know. I have never taken the trouble to count them. I didn't think it was necessary to make that calculation.

Q. Have you testified about every name here to-day that he gave you?—A. I don't know; I don't think he has asked me about all the names I have got here.

Q. Have you got there, in memorandum before you, all the names whom Mr. Donovan wanted you to find?—A. Well, I don't know for certain whether I have or not. As these are copies I may have them all, and I may not.

Q. But your best judgment is that there was some six hundred names given you?—A. Well, that is a matter that I never troubled myself about, that is, the counting of them; there may have been six hundred, and may be there was not half of them; I thought there was between one and four hundred. I have no idea how many there was; I never counted them.

Q. And you can't form any estimate?—A. I don't think that I have been to see six hundred people though; I may have been.

Q. But there is no doubt there is a great many more than one hundred?—A. O, yes; there is more than one hundred, I judge.

Q. Well, your best estimate is that it was in the neighborhood of four hundred?—A. I say it is somewhere between one hundred and four hundred; I can't say exactly; maybe it is not as many. There is the list; if you want them counted I suppose I can count them up for you.

Q. But that is a memorandum which, as I understand you to say, you don't know whether it contains the whole list or not which were furnished you when you were employed; did I not so understand you to say?—A. Do you want to know if this is a complete list or copy of what I had?

Q. I want to know if that memorandum, which you hold in your hand, contains all the names that were given to you when you were employed by Mr. Donovan?—A. Well, I don't think it does.

Q. Isn't it a fact that it doesn't contain one-quarter of them?—A. I can't answer that positively whether it does contain one-quarter or more, or nearly all of them; still I don't think it contains all of them.

Q. Did you report to him concerning every name that he gave you?—A. I don't think I did.

Q. What proportion of the names?—A. Well, the most of them some of the names that were given to me were 'way outside of the neighborhoods in which I was visiting—too far out of my way; some streets that I didn't know definitely where they were; so I didn't go to them.

Q. You went around the territory bordering upon O'Fallon street to the south, and about four blocks north of that; and from Second street west to about Twenty-sixth or Twenty-eighth street, did you?—A. Yes, sir; I was in territory even south of that, I think, on O'Fallon street.

Q. About how many blocks south?—A. Two or three.

Q. As far south as Franklin avenue?—A. Franklin avenue? No; didn't get as far as Franklin avenue; but I was there on some of the streets running north and south, somewhere in the neighborhood of Franklin avenue; that is, within a block or two blocks.

By Mr. DONOVAN:

Q. How long has your family been in this country, Mr. Elder?—I think it is in the neighborhood of a hundred years.

Q. Where are your family from?—A. My great grandparents were born in Kentucky, on my mother's side; my father's family are from Baltimore.

Q. What business was your father in here in Saint Louis?—A. He was in the commission business.

Q. What business were your uncles in?—A. I have an uncle here now that is in the commission business, and has been for some time.

Q. Where are they in business now?—A. My father is in Chicago; my uncle is living here now in Saint Louis.

Q. What relation in the archbishop of Cincinnati to you?—A. The bishop of Cincinnati is my uncle.

Q. Have you been in the commission business here?—A. I have.

Q. How many years?—A. I was in the commission business, and afterwards in the brokerage business on my own account for four or five years; about four years.

Q. Were you a member of any firm? Or were you by yourself?—A. I was by myself for a time, and afterwards with O. F. Guthrie, in the brokerage business.

59 Q. What sort of a brokerage business?—A. Provision.

Q. Are you about to enter a commission business now?—A. I am about to connect myself in business with a house here.

Q. You have simply been engaged at this upon my request, you having leisure time on your hands?—A. I did this because I thought it was better to do this than remain idle; it was not a matter of choice; it was a kind of work I didn't enjoy much.

Q. You were anxious to give your testimony this morning because you expect to connect yourself with a house to-morrow morning?

Mr. POLLARD. I object to the question as leading.

A. I so made the request.

Q. Was the instruction that you received in regard to collecting the testimony that it should be accurate or otherwise?—A. That it should be accurate; I was to find out what I could about these parties; if they lived at these places; if they had lived there; when they moved away if they had moved away; how long they had lived there. Find out what I could about them.

Signature waived.

Not being able to complete the taking of these depositions, I do not

adjourn the further taking of the same, until to-morrow, Friday, April 1, 1881, then to be continued at the same place, at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 42.

Pursuant to adjournment, as above stated, on the 1st day of April, 1881, at the hour of ten o'clock in the forenoon, I continued the further taking of these depositions, as follows:

1 DENNIS O'LEARY, of lawful age, being then produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name, please?—Answer. Dennis O'Leary.

Q. How old are you?—A. I will be twenty-three years old the twenty-ninth of next November.

Q. Where do you reside?—A. 3608 Lindell avenue.

Q. How long have you resided there?—A. Well, about seven years—seven or eight years.

Q. Were you born in this country?—A. I was not born in this country, but I was raised here.

Q. How old were you when you came here?—A. Six months.

Q. Did you go the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. Between Elliott avenue and Jefferson avenue, on Saint Louis avenue.

Q. In whose company did you go to the polls?—A. My father was with me and another friend.

Q. Had you ever registered or voted in this city before?—A. No, sir.

Q. Did you offer to register and vote at the poll?—A. Yes, sir.

Q. Were you permitted to register?—A. Well, no; they didn't let me register.

Q. Why?—A. Because there was nobody there, they said; he was gone, or something of that kind. I went with a friend with the intention of registering, and there was nobody there when I got there.

Q. You mean at the polls?—A. At the polls.

Q. Your father went with you?—A. Yes, sir; my father went with me, too.

Q. To enable you to cast your first vote?—A. Yes, sir.

Q. Did you pass in a ticket?—A. Yes, sir.

Q. Did you write your name on the back of it?—A. I don't remember whether I did or not.

Q. Do you know what was done with the ticket?—A. It was cast to one side; they said they wouldn't put it in.

Q. They did not put it in the box, or count it?—A. That is what they said—that they wouldn't put it in the ballot-box.

Q. Who did you propose to vote for for Congress; whose name was on your ticket for Congress?—A. R. Graham Frost.

2 Cross-examination by Mr. POLLARD:

Q. What ticket did you vote, Mr. O'Leary?—A. The Green-back-Labor ticket.

Q. Was R. Graham Frost's name printed on it?—A. No, sir; I wrote it on.

Q. Did you erase any name on it?—A. Yes, sir; I erased a name; I don't remember what name it was.

By Mr. DONOVAN :

Q. Was it Sessinghaus ?

Mr. POLLARD. I object to any interruption on the part of the counsel for the contestee.

Q. Do you know whose name you erased from the ticket you voted ?

—A. No, sir ; I have forgotten the name.

Q. But some one's name you did erase ?—A. Yes, sir.

Q. And wrote in Mr. Frost's ?—A. Yes, sir ; I did.

Q. Whereabouts on the ticket did you write ?—A. Right over or under the names that I erased.

Q. And what that name was you don't now remember ?—A. No, sir.

Q. And you don't remember what office it was for ?—A. Yes, sir ; it was for Congress.

Q. For what district ?—A. I don't know.

Q. How far do you live from the place where you went to the polls ?

—A. It was about five or six blocks.

Q. Which side of Grand avenue do you live on ?—A. On this side—on the east side—east of Grand avenue.

Q. Is not Grand avenue the same as Thirty sixth street ?—A. I guess it aint that high ; Lindell avenue, you know, runs north and south, the same as Grand avenue.

Q. Parallel with Grand avenue ?—A. Parallel with Grand avenue.

Q. How far north of Saint Louis avenue do you live ?—A. About a block.

Q. And you have been living there seven or eight years ?—A. Yes, sir.

Q. What year were you born in ?—A. 1858.

Q. What month ?—A. November.

Q. You were born in Europe, were you ?—A. No ; I'm born in Canada.

Q. And with the exception of Mr. Frost you voted the Greenback-Labor ticket ?—Q. Yes, sir.

Q. Do you know what was the heading of that ticket ?—A. Greenback Ticket, Labor Ticket, I think, Labor Party.

3 Q. Did your father vote that same ticket ?—A. I believe he did ; I don't know ; I believe he did.

Q. Now, when you went to that poll that morning you found no one there, you say ?—A. That morning ? No, sir ; it was not in the morning.

Q. That day ?—A. Yes, sir ; I found no one there ; there was no one there to register.

Q. What time in the day was that ?—A. It was after six o'clock.

Q. That was the first time you went there ?—A. That was the first time I went there.

Q. Why didn't you go to the poll to register before that time ?—A. Well, I didn't care much to go ; I didn't take much interest in it.

Q. And that is the reason that you didn't much care whether you voted or not, as a matter of fact ?—A. Well, I wanted to vote, and I went there first to register.

Q. You didn't care enough to register ?—A. I didn't take enough interest in it.

Q. That is what I mean ; that amounts to the same thing. That is the reason that you didn't go to the city hall ?—A. No, sir ; that is not exactly the reason.

Q. What is the reason ?—A. Well, of course, it is because I didn't take enough interest in it.

Q. And that is the reason that you didn't lose your day on election day?—A. That was it.

Q. You never went to the polls until you had finished your labor that day?—A. Yes, sir.

Q. And when you went there some one told you there was no registering officer there?—A. Yes, sir.

Q. Did they tell you whether there had been one there?—A. Yes, sir they told me there was one there.

Q. Did they tell you whether he was coming back again?—A. No they didn't tell me whether he was coming back again.

Q. And you didn't want to wait, so you handed in your ballot and they took it, but whether they put in the box after you went away you don't know?—A. I know they didn't put it in the box, not while I was there.

Q. How long did you stay there after you deposited your ballot?—A. Not long; five or ten minutes.

Q. I mean watching the ballot. You handed the ballot in, you saw they didn't put it in the box instantly—A. They questioned me if I had registered, and I told them no, that I come there to try and get registered; they said there was nobody there; there I met this friend of mine. My father told me to go up; they asked me if I had ever voted, and I told them no. This man's name was Barry; he lives on Elliott avenue and Saint Louis avenue, close by there.

Q. What is your business, Mr. O'Leary?—A. I am a carpenter.

Q. You never had registered in the city, nor voted before?—A. No, sir.

Q. And didn't go to any other place that day to vote?—A. No, sir.

Q. Nor register?—A. No, sir.

Q. This ticket that you have spoken about is the only one that you deposited on that day?—A. Yes, sir.

Q. And that was a Greenback-Labor ticket?—A. Yes, sir.

Q. With the exception of some name erased, and Mr. Frost's name written on it by yourself?—A. Yes, sir.

Q. In pencil or in ink?—A. In pencil.

Q. And you then handed it in?—A. Yes, sir.

Q. That was taken by the judges of election after asking you some questions, but they did not in your presence put that ballot in the box whether it was put in afterwards and counted you don't know?—A. No, sir; it was not put in the box; it was cast aside, because they said they would put it aside.

Q. But whether they afterwards counted it you don't know?—A. No, sir.

Q. And what was afterwards done with it, that also you don't know; it might have been put in the box after that, for all you know?—A. It might have been.

Signature waived.

JAMES EAGAN, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Give the notary your full name, please.—Answer. James Eagan.

Q. Where do you live Mr. Eagan?—A. I live between Taylor and Newstead, on the Saint Charles rock road.

Q. Had you registered at the city hall?—A. Yes, sir.

Q. Previous to the election?—A. Well, some time before.

5 Q. About how long?—A. I couldn't say exactly.

Q. Was it a month or a year?—A. The time that Hanley and some other fellow up there run for 'squire at the Three mile House.

Q. Was that a month or a year before the last election?—A. It was not a year; some time before; a few months, I guess.

Q. How long were you living at this place?—A. Newstead and Taylor? I was living there, I guess, about eight or nine years.

Q. How old are you?—A. Twenty-two.

Q. Were you born in this country?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. In Elleardsville, between Belgrade avenue and—I forget the other—the next one to Ferry avenue.

Q. Did you pass in a ticket?—A. Yes, sir.

Q. What was said in regard to your ticket at the polls?—A. Well, they asked if I was registered; I told them yes; they asked me if I had voted my residence; I told them yes; that I was there at the time I registered; no, I was living between Papin avenue and Caroline avenue; that I was working for a butcher there, and that, of course, I was living at the same time between Taylor and Newstead, but that I happened to work with another butcher down there on Papin—between Papin and Caroline.

Q. At any rate, you hadn't moved out of the precinct?—A. No, sir.

Q. And you had been for nine years in the same precinct?—A. Yes, sir.

Q. What sort of a ticket did you present; a Republican or a Democratic ticket?—A. Democratic ticket, of course.

Q. With Frost's name on it for Congress?—A. Yes, sir.

Q. Why was the ticket rejected?—A. I don't know.

Q. Was there anything said?—A. Yes, sir; they doubted it first, and then a young fellow that was with me says there is another Republican ticket lost, so they come to the conclusion to take it because they thought it was a Republican ticket. I don't know of any other reason than that.

Q. Did they put it in the box?—A. I don't know; I can't say whether they did or not. They knowed me, and I guess that is why they took it afterwards; it was taken finally by one of the judges in there.

6 Q. But if that ticket is at present in the hands of Mr. Allen, the chief supervisor, and not at the city hall, it is to be taken for granted that it didn't go into the ballot-box.

Mr. POLLARD. I object to that question as immaterial, incompetent, and irrelevant.

A. I don't know. Well, it must be, I guess.

Cross-examination by Mr. POLLARD:

Q. "It must be" what? What do you mean when you say "it must be"?—A. It must be at the city hall.

Q. What year were you registered?

By Mr. DONOVAN:

Q. That is, if it is not in Mr. Allen's hands, on Olive street, then it must be at the city hall, on Eleventh and Chestnut streets?

Mr. POLLARD. You needn't answer that just now; the gentleman will have an opportunity to examine you again when I am through. You say when you registered you were living on Papin and Caroline

avenues. I wish you would state that again; I didn't get a very clear idea of that.—A. Yes, sir; I was living there.

Q. When was that?—A. That was some time before the last election.

Q. Some year before, was it not?—A. No, sir; it was not a year.

Q. Was there any election in that precinct within a year of the last November election?—A. Well, I couldn't say whether there was or not inside of a year or not; I don't think it was a year.

7 Q. At any rate you have not registered since the last election preceding the November election, had you? You did not register between this election and the November election?—A. No, sir.

Q. Be the same one or two or more years, or howsoever long it might have been?—A. Yes, sir.

Q. And then you were living on Papin and Caroline avenues?—A. Yes, sir.

Q. And you voted at that election from this place?—A. Yes, sir.

Q. What year were you born in, Mr. Egan?—A. I couldn't positively say.

Q. When will you be twenty-two years old?—A. I think it is June or July; I don't know; I am not sure; I haven't looked over it recently.

Q. You are not positive on that point?—A. No, sir.

Q. Now, where did you get that ticket that you voted on last November election day?—A. At the polls.

Q. Who gave it to you?—A. A young man named Thomas Hart.

Q. Did you read the ticket through?—A. Yes, sir.

Q. What kind of a ticket was it?—A. A Democratic ticket.

Q. A Hancock Independent ticket?—A. Yes, sir.

8 Q. Do you know the names of any others that were on the ticket?—A. I know we scratched Freeze and Mulcahey; I believe them is the two that we scratched.

Q. What offices were they running for?—A. I don't know; I can't say. One of them was for constable; Freeze was.

Q. Did you scratch Mr. Frost's name off?—A. No, sir.

Q. Was his name on it?—A. I can recollect now; yes, sir.

Q. And on that ticket he was running for Congress in the second Congressional district?—A. I expect; yes, sir.

Q. How many polls are there at Elleardsville, or wherever you were on last election day?—A. There is one.

Q. Do you know who the judges of election were at that poll?—A. No, I don't know who they were; I know them to see them. I know they live around in that neighborhood there.

Q. Do you know what their politics were?—A. Well, no.

Q. You don't know what the politics of the other officers at the poll were?—A. No.

Q. When you went to vote there and handed in your ticket, did they make any objection to it in any way?—A. Yes, sir.

9 Q. They looked down a list and said your name was not on the list?—A. No, I don't know as they did or not; but there was some objection to it; I can't say now what it was.

Q. The fact is that since you had registered you had moved?—A. Yes, sir; but in the same precinct.

Q. You say it is in the same precinct; will you please give me the boundaries of that precinct?—A. Well, I believe it goes from King Highway to the Three-mile House and from there to Kennely avenue and over to the Olive-street road.

Q. Those are the four boundaries?—A. Yes, sir.

Q. And you lived when you were at Papin and Caroline avenues within those boundaries, did you?—A. Yes, sir.

Q. And also, when you lived between Taylor and Newstead avenues on the Saint Charles rock road, you were still within those same boundaries?—A. Yes, sir.

Q. Now, isn't it a fact that the boundaries that you have given me are the boundaries of the Twenty-eighth ward?—A. Yes, sir.

Q. Well, you thought your vote was put into the box and counted; you supposed it was?—A. I thought it was.

By Mr. DONOVAN:

Q. Mr. Pollard has made you say that you voted for Mr. Frost for Congressman for the second district; now, do you or do you not know that Mr. Frost was running for Congress in the third Congressional district?—A. I don't know.

Q. Do you know or do you not know that you have been living in the third Congressional district for nine years, and in the same precinct?—A. Yes.

Q. And you voted the ticket there?—A. Yes, sir.

Q. And whether it read second or third Congressional district you don't know?—A. I don't know.

By Mr. POLLARD:

Q. Now, do you know, as a matter of fact—stop and think—whether you have been living in the third or the second Congressional district; don't answer until you have had time to think it over?—A. Well, I don't know.

By Mr. DONOVAN:

Q. But you know exactly where you live and have stated it?—A. Yes, sir.

Signature waived.

WILLIAM J. DICKEY, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

11 By Mr. DONOVAN:

Question. Your full name, if you please, to the notary?—Answer. William J. Dickey.

Q. Where do you reside?—A. I reside at 3115 Sheridan avenue.

Q. How long have you lived in the city of Saint Louis?—A. About fifteen years.

Q. Were you employed by the counsel for the contestee (myself) in any way?—A. I was employed to look up several lists that were handed to me with the names of different parties on them, living in this city, and which I did.

Q. Do you know when I employed you; have you got the date?—A. I think it was about the sixteenth.

Q. And you continued up to what time?—A. You mean working on these? (Exhibiting the lists.)

COUNSEL. Yes.

A. I continued up to the twenty-second or twenty-third of March, or the twenty-fourth; I didn't make any memorandum of it.

Q. A number of names were given to you and their residences, and you were requested to ascertain as to whether or not the parties either did live, or did not live at those places?—A. That is what I was to do.

Q. Will you please turn to the list of William Lingo, a letter carrier?
—A. Yes, sir; I have it here.

Q. Please inform me what you ascertained in regard to Abner
12 Kenwood, who is said to reside on the south side of North Mar-
ket street, between North Twentieth and Jefferson avenue?—A.
West Twentieth it ought to be.

Mr. POLLARD. One moment; you are holding in your hand and read-
ing from a memorandum?

A. Yes, sir,

Q. When was that made?

Mr. DONOVAN. I object to the counsel for the contestant asking these
questions at this point; he will have ample opportunity to investigate
in his own examination everything in regard to the integrity of the
memorandum which the witness is now about to make use of.

Mr. POLLARD. I conceive that the law authorizes and permits me, at
this stage of the proceeding to inquire how and in what manner and
when a memorandum which a witness holds in his hand was made, so
that the court or the committee can determine whether or not it is such
a memorandum as the law authorizes a witness to refresh his mem-
ory by.

Mr. DONOVAN. As the gentleman insists on it I will give him the
fullest opportunity to do so; so please proceed.

By Mr. POLLARD:

Q. When was that memorandum made?—A. Well, it was not all
made altogether; some of it was made one day, some of it an-
13 other, and it was all copied by me from my own handwriting
right off the original sheets, and know that is an exact copy.

Q. The original sheets; what were those original sheets?—A. The
original sheets, where the names were written out by—I don't know
who; then I wrote after or under them whatever information I found
out, and when I got leisure I made out a clean copy, another statement,
as you see them there; I made some of them last week some time; I
couldn't state exactly when.

Q. But this was made, not at the very time that you made the exami-
nations, but is a copy or what purports to be a copy of certain memo-
randum, which was made at the time of these inquiries?—A. It is a
copy of it.

Q. It is not and does not purport to be an original memorandum made
at the time?—A. No; I didn't make it on the premises; as I told you
before, I made it from memorandum that I made on the premises.

Q. Then you say it is a copy from memorandum made at the time of
your investigations?—A. Yes, sir.

Q. And was made several days after the original memorandum was
made, was it not?—A. Some of it; yes.

Q. Some of it, in fact, was made weeks after that original memoran-
dum was made?—A. No, sir; I don't think any of it was made weeks
after; there may be some one week, but not any longer than that.

14 Q. Where is that original memorandum?—A. I don't know
where it is now.

Q. What did you do with it when you brought it back?—A. The
original, I think, is in Mr. Donovan's office there somewhere, I don't
know where.

Q. With Mr. Donovan, who is the counsel for the contestee in this
case?—A. I presume he is.

Q. And when you were through with your work you then gave over

the original memorandum to Mr. Donovan, and he has it now?—A. No, sir; I turned it over to Mr. Frank R. Tate.

Q. Who is Mr. Frank R. Tate?—A. That is one of Mr. Donovan's men.

(I now object to the witness refreshing his memory in this examination by these memoranda, which he holds in his hand, because he has sworn that they are only copies of other memoranda which were made prior to and in many instances, at least, a week before this copy was made.)

By Mr. DONOVAN:

Q. These copies were made to facilitate this examination and save time?—A. Yes, sir; that is what this copy was made for properly.

Q. What information did you obtain in regard to Mr. Kenwood, reported upon by Lingo?—A. I found that Mr. Kenwood had lived there last summer, and that he moved over on Maiden Lane and Young street—they couldn't tell me exactly where it was—in November
15 or December, along about Christmas time, or in the latter part of the winter. He moved out somewhere near the fair grounds.

Q. Seth Wheaton, reported as not known; William Lowell, living on Ninth street, between Exchange and Monroe streets; what did you find out in regard to him?—A. I found a party living there at 2205 North Ninth street by the name of William Sowell; no man by the name of William Lowell; I saw Mr. Sowell in person; he showed me how he signed his name, and from that I would guess that any one would take the first letter of his name for an S.

Q. But the letter carrier took advantage of the manner in which he wrote or signed his last name, making an L out of the S, and therefore reported here that Lowell was not known there, and could not be found; is not that the probability?

Mr. POLLARD. I object to that question, because the probability has nothing to do with this case; the letter carrier testified that he had a circular in his hand addressed to William Lowell; that he inquired for that man, and could find no such man; he was not directed, nor requested, to find anybody by the name of William Sowell; the probabilities are matters which the committee may discuss at length if they desire, but it has no place in this record.

By Mr. DONOVAN:

Q. What is your opinion of this typographical error of which this case is made up?

16 Mr. POLLARD. I object to that statement regarding a typographical error; a man by the name of William Lowell voted and registered from Ninth street, between Exchange and Monroe streets, and no man by the name of William Sowell did so; the position which we take is that William Lowell, who appears to have voted from that place for the contestee in this case, did not reside there; that it is a fictitious name, and that the contestee got the benefit of the vote of a purely imaginary man.

By Mr. DONOVAN:

Q. Tell us how you know his L might be mistaken for an S?—A. Well, I told you before, as I stated, he showed me how he made his S, and it is very probable that it would be taken for an L; I know I would have been very apt to have taken it for an L myself; I found the man there myself; to add to the agony, he is a colored man, and drives a wagon.

Q. One J. B. Nichols, a letter carrier, testified in regard to John J. Foy, living on Kossuth avenue; what did you ascertain in relation to that party?—A. I found that Mr. Coffey lived at 3937, and left two months ago; moving to 4001 Exchange street.

Q. The same letter carrier testified in regard to Dennis F. Maloney living on Kossuth avenue; what did you learn in regard to him?—A. Mr. Maloney lived at 4001 for some time, so the lady that keeps the boarding house told me, a little from that, at 3937; she said it might be two or three weeks, and it might be a month; it is right across the street.

Q. How long was he living in that neighborhood within 17 doors of these places?—A. She said he had been around in that neighborhood there, from one house to another, and clerked something, on the Sixth street line, the Union line, that he was riding on that line, and that he boarded first in one place, then another, but had lived in that same neighborhood, she said, around there had been around there herself a couple of years; and she said she thought he had been there that long.

Q. Do you not believe that Mr. Nichols could have reported facts as well as yourself?—A. I suppose he could, probably, if he had gone into it rightly.

Q. Was it a faithful report on the part of this letter carrier, that the man had moved last summer, when the man could be known upon his own route, and he did know him?

Mr. POLLARD. I object to that question, because it is fraught with many inferences; because it is drawing upon the man's imagination and expecting him to make a case for the contestee out of some besides evidence; and, furthermore, I object to it because the letter carrier Nichols simply testified that he inquired at 4001 for this Dennis F. Maloney, and ascertained that he did not live there.

Mr. DONOVAN. And choked the truth of the case, by making a partial report, intimating that the man had moved out of that whole neighborhood.

18 Mr. POLLARD. I object to any such statement as that; because the counsel for the contestee well knows it is not a fact, the statement which he makes; because he knows that this letter carrier simply asked whether he offered at 4001 a circular addressed to this Maloney, and that he answered that he had; and that he discovered that Mr. Maloney did not live there at that time.

Mr. DONOVAN. And the contestee's counsel states that the report of this letter carrier was simply that that man moved last summer; that there stopped in his report; the other counsel for the contestee verifies that report by suggesting, as he has done, that that is Mr. Nichols's report in regard to the matter. Now, you find the gentleman there for years; could not Mr. Nichols, if he desired to make a fair report in regard to this matter, have made the same report that we have given us, he having been traveling over that route for years?

Mr. POLLARD. I object to that because it is not only a question of a statement made by the counsel for the contestee which is not correct in any regard, and the contestee's counsel did not hear this testimony of this witness, being sick at the time, for the whole of which we are very sorry; and the statements of that witness which he has in his memorandum was made by some one unknown to the contestee and his counsel.

19 Mr. DONOVAN. Although here at the time of my referring to the statement of that witness, Mr. Metcalfe, one of the counsel

for the contestant in this case, said my report was correct in regard to the report of this letter carrier in this particular case.

Mr. METCALFE. That is not a fact, Mr. Donovan, I made no such statement. I said he moved last summer, and the remark I made was addressed to Mr. Pollard; and I do not think you have a right to make use of it in this way; it was simply a suggestion to Mr. Pollard; I said that he had moved last summer.

A. Well, I don't know if he could make the same report or not. I should judge if he had gone there and inquired he would have learned that the man was living there; he could certainly have found that out.

By Mr. DONOVAN:

Q. Mr. Charles Godejahn, another letter carrier, reports in regard to John Sheehan; what information did you elicit?—A. I found Mr. John Sheehan at 1619; he said he had lived there for over a year.

Q. What street?—A. Wright street.

Q. How far is 1619 Wright street from 1624 Wright street?—A. It is directly across the street; a little east of it; it is almost directly east of it.

Q. Had not that letter carrier as many opportunities of ascertaining that fact as you?—A. I presume he had.

Q. Could he not have reported him here, with the same facts that you have reported?—A. I should think so.

Q. And if he simply contented himself with reporting that that was a vacant lot, did he not fall short of the truth in making a report in that way?—A. Well, I don't know about that; I know there is a house there marked 1624; I don't know anything about his ideas.

Q. But he reports that as a vacant lot.

Mr. POLLARD. I object to that, because it is not a fact.

By Mr. DONOVAN:

Q. Is it a vacant lot or not?—A. There is a house there marked 1624.

Q. Another letter carrier, by the name of William H. Cobb, reports in regard to C. L. Meyers; what did you ascertain in regard to him?—A. I found Mr. Meyers in person; he said he had never lived at 1729, but he had lived at 1749 for over two years; he keeps a vegetable store there.

Q. That is another of those typographical errors of which this case is made up?—A. I should judge that it was.

Q. Well, getting a little bolder, he reports in regard to A. McLaughlin, 305 Florida street, and says there is no such number; what information did you obtain in regard to that man?—A. I found that Mr. McLaughlin lived there for over two years, upstairs, in 305 Florida street.

Q. Could not that letter carrier have obtained that same information as well as you?—A. I presume so.

Q. Now, Mr. Brantz Hutt, another letter carrier, reports that John Kennedy is not found; what did you ascertain?—A. I found Mr. Kennedy—Mr. John Kennedy—living at 1123 North Eighth street; saw his wife; she stated that they had been living there four or five years.

Q. That is on the same block with 1112, and on his route?—A. Yes, sir; on the opposite side of the street.

Q. Can you understand why he would simply content himself with reporting not found when you found him so readily?—A. No, sir; I can't understand that.

Q. The same letter carrier, for some purpose that other people than ourselves will have to ascertain, reports that Thomas Haggerty, 703 Biddle street, was not found, although it is on his route; what did you ascertain?

Mr. POLLARD. I object to that, because, as a matter of fact, he made no such report, but this letter carrier did report and testify that this man Haggerty was not at that particular place.

By Mr. DONOVAN:

Q. What did you ascertain in regard to that name—the letter carrier having evidently more facilities of knowing the gentleman than you had?—A. I found Mr. Thomas Haggerty in person; he has been living at 708 Biddle street for over ten years. He is a basket-maker.

22 Q. What did you ascertain in regard to Dan. Reardon, who lived on Biddle street, 713?—A. I found that Mr. Dan. Rierdon had lived there with Mrs. Roden, who keeps a saloon and boarding-house, she said, for some time before, and for some time after the election.

Q. Well, the same letter carrier, in pursuance of the scheme which is easily fathomed, reports as not found one John Cunningham of 1120 North Tenth street; what was the result of your inquiry?

Mr. POLLARD. I object to that question, because it is a statement of matters which are not facts; that there was no scheme; the letter carrier simply testified as to how he attempted to deliver certain letters, and without knowing; on the cross-examination he first discovered the object and design of those various letters; as far as the letter carrier was concerned there was no scheme; he attempted to do, and did do his duty faithfully; he said that he had been carrying letters through that neighborhood for a large number of years; that he personally knew, or almost personally knew, every individual in that district.

Mr. DONOVAN. The counsel for the contestant well knows, or could very readily ascertain the fact to be, that the postal service of this city is now in sackcloth and ashes, and threaten to discharge these very letter carriers for the base uses to which our post-office was thus put.

Mr. POLLARD. I will simply say that the counsel for the contestee is not speaking of the facts in that regard; that I believe he knows
23 that those are not the facts when he says the postal authorities here are in sackcloth and ashes, or that they contemplate the removal of these men; I will further say that these men who did this work not only had the sanction of the post-office here, but of the general office at Washington; that they did their duty faithfully and well; that they carried out this matter as a part and portion of the means adopted for unearthing these frauds and corrupt schemes, frauds which a government—to be a true government of the people—ought to detect; frauds on the elective franchise; that it was right and just and proper that it should do so; that the government was well paid, and thoroughly paid for the extra work these letter carriers had to do; that no letter carrier in any instance found any fault with it, but did his duty faithfully and well, and that it has enabled this contestant to ferret out and prove up the grossest outrages and frauds which the Democratic city government of Saint Louis attempted to perpetrate upon this city.

Mr. DONOVAN. We will see how faithfully they did their duty, and to what extent they connived at and attempted to rob old citizens of a right to cast their ballots at that last election, and for that reason I ask you, Mr. Witness, what information you obtained in regard to this gentleman, who is reported as not found by this letter carrier?

Mr. POLLARD. I object to that question, because it is prefaced by a statement that there was an attempt made to rob old citizens of
 24 their elective franchise, when the facts disclosed in evidence in this case go to show that the sole attempt was to preserve the purity of the ballot-box; that it has to a large extent prevented and ferreted out these nefarious frauds; it has shown that many men who voted from one, two, and three different places did do so, and it has shown that many men voted for the contestee in this case from numbers which did not exist; from vacant lots, on dead men's names, and in all the various and nefarious schemes known only to violators of election laws.

Mr. DONOVAN. This whole case resting on typographical errors is now being bolstered up by wind, and I would please ask the witness to answer the question that was asked of him.

Mr. POLLARD. I object to the question, because this case is not based on any typographical errors; because if a man voluntarily on the election day went to the polls and voted on his own name, and from his own proper residence, and then went again and had himself specially registered from a place where there is no number on the street, and from a lot which is vacant, on the name of some man that is dead, I submit that such are not typographical errors.

Mr. DONOVAN. If these foolish objections are through, all based on the most outrageous assumptions of fact, I will again ask the witness to answer my simple question which was asked of him some time ago.

25 **Mr. POLLARD.** I again object to the question because it is prefaced with an observation that these are foolish objections; and I desire to make comparison between the objection and the stump speeches injected into the belly of each and every one of these questions, each of which speeches is so injected for the purpose expressly of having the committee take it as testimony of the witness, instead of the fluent imagination of the counsel for the contestee.

Mr. DONOVAN. For the purpose of facilitating the examination of this record the counsel for the contestee proposes to contrast the report made by the letter carriers and the report made by the witnesses on the stand in each and every instance during this entire investigation; and now I will again ask the witness as to whether this gentleman was found or not found.

Mr. POLLARD. I object to that question for the same reason as heretofore stated, and the additional reason that the contrast between the witnesses—this gentleman who is now testifying and the letter carrier—this man having no knowledge, no personal knowledge of any of these individuals, this man not being in a position to be familiar with that portion of the city, and the letter carrier who did make this report having been a faithful officer there for fifteen or twenty years, having searched in that particular locality—having carried mail matter there for a great length of time, and knowing personally each and every
 26 one of these persons—I am very willing that this committee of this Congress shall hold up to comparison the testimony of these two witnesses.

By **Mr. DONOVAN:**

Q. According to the gentleman's statement, this having been a faithful letter carrier for twenty years and traveling this route all that time, reports John Cunningham, of 1120 North Tenth street, as not found; I will ask you—the witness now upon the stand—to state what you ascertained in regard to that gentleman?—**A.** I found that Mr. Cunn-

ham had lived there in the rear of that house for a number of years. He is commonly known there as "Jake;" that is the way I found him.

Q. The same gentleman contents himself with reporting as a vacant lot the name of John Donnelly, 926 Carr street; what was your information on seeking for that gentleman?

Mr. POLLARD. I object to that question, because the letter carrier did not report upon the name of John Donnelly, and did not report that 926 Carr street was a vacant lot.

Mr. DONOVAN. The record will show; please answer the question.

A. I saw Mr. John Donnelly in person; he is the janitor of a dental college; his residence is situated on Tenth and Carr streets, and runs back almost to the alley; the back portion of it Mr. Donnelly uses for a residence, and the entrance to that portion is 926; that is, he lives in the college building.

27 Q. The same gentleman, under instructions, and to show his bias whenever he can report anything adverse, reports that John McShea sits around a restaurant out there, but never lived there; what did you ascertain in regard to the gentleman?

Mr. POLLARD. I object to that because this witness and no witness whom the contestant has put upon the stand has displayed any bias whatever; and because a large proportion—and my recollection is that this identical letter carrier was a Democrat and voted the Democratic ticket, but went on the stand and testified to what he knew to be facts.

Mr. DONOVAN. And under the official whip, and afraid of losing his position as a letter carrier, was forced to bring in favorable reports for this contestant, if he could stretch his conscience to that extent to do it; what did you ascertain in regard to John McShea?

Mr. POLLARD. I object to the stump speech of the counsel for the contestee because there was no official whip; there was no inducement throughout, nor threat held out by me to any witness that was put on the stand by the contestant; and because the witness was simply asked and expected to tell what he knew concerning the facts, and nothing else, and when a witness had that class of testimony, we desired and endeavored to get it from him; and we desired nothing else.

By Mr. DONOVAN:

28 Q. What did you ascertain in regard to John McShea?—A. I found that he had been boarding with Mrs. Rudolph, 923 ——— street upstairs, up to about the first of December.

Q. Mr. Lawrence J. Manning, one of the awkward squad, under the command of a man as indomitable and painstaking as General Hardwig, who has been on the stand, reports John Stanton, jr., of 708 Cass avenue, as having moved before the election; what did you ascertain?

Mr. POLLARD. I object to that question for the reason that the question is an attempt to belittle and to bring into question the character of the witness whom we brought upon the stand to testify. The fact is, and the counsel for the contestee well knows it, that the witness was not only a gentleman, but that he faithfully, earnestly, and honestly did his work; that he was a Democrat; that he was employed, being a Democrat, so that he could use the knowledge which he had gained in following up the dark and devious paths of the Democratic party in this city.

Mr. DONOVAN. And, according to the public prints, he is the same gentleman that attempted to kill a negro witness whom I had subpoenaed to show the iniquity practiced by the contestant in manufacturing

negro testimony in this case, the testimony of negroes who never lived in the third Congressional district, but who were drilled and given a name; given a number where to live at; given a ballot, and instructed to testify as they were drilled. The negro witness who was brought

here to show that state of facts was visited by this same gentleman, according to the public prints, and threatened with being killed if he would give the matter away.

Mr. POLLARD. I object to that statement in part. I admit that the counsel for the contestee has been endeavoring, how successfully I know not, to manufacture negro testimony, and to use it in this case. I admit also the fact that, for the purpose of creating a public sentiment in favor of the contestee, his counsel did, here in the presence of this court, and in the presence of the counsel on this side of the case, give to the reporter of a certain newspaper some cock-and-bull story concerning this Manning, but which stories had no other foundation in fact than the imagination of the contestee's counsel.

By Mr. DONOVAN:

Q. Lawrence J. Manning reported John Stanton, jr., at 708 Cass avenue, as moved before the election; what did you ascertain?—A. I found that Mr. Stanton moved away from there some time in December; he had lived there about six months before moving.

Q. And was living there at the time of the election?—A. I said previous to moving he had lived there six months; he lived there previous to that time.

Q. This same individual who was identified here in this room by this negro as the man who threatened him, and as having a blue spot under one eye, and a blue spot on the nose—this same gentleman reported the same in regard to the gentleman's father; what did you ascertain in regard to him?

30 Mr. POLLARD. I object to that, and state that if the gentleman insists upon filling this record with stump speeches, that it becomes my imperative duty to make as many and as long ones as he does. I will here say that the speeches injected into this record on the part of the contestant's counsel I believe would be better left out. I don't think anybody ever will read them in the wide world; but if the gentleman wants to pay notary's fees, and insists perpetually upon making these stump speeches, we will try and accommodate him, especially when these stump speeches are drawn exclusively from the gentleman's imagination, and when there is not a single iota of truth or evidence in such speeches to give them the zest of variation, if nothing else. Moreover, in regard to the very happy conceit of the counsel for the contestee touching the subject of blue spots on the face and body of a certain witness, the witness never having been personally examined by the contestant's counsel, and the said counsel for the contestant not having been present at the time the witness was born, nor in any way in the vicinity of a row when the witness might have received a blow or contusion which might have resulted in a blue spot on the nose, the said counsel for the contestant cannot say further.

Mr. DONOVAN. If the gentleman says that he never examined Lawrence J. Manning, and I believe his statement is to the effect that the said Manning was never examined by the counsel for the contestant, then I will withdraw all testimony in regard to the man heretofore elicited, and will cease all further inquiry.

31 Mr. POLLARD. The statement of the counsel for the contest-

ant is that he never physically examined the man, and was not aware what blue spots he might have on his body or his face; he did examine him as a witness in this case, but not in any other manner.

Mr. DONOVAN. What did you ascertain in regard to John Stanton, sr.?—A. I found that John Stanton, sr., lived there and moved away from there in December, at the same time that John Stanton, jr., did; they were all one family.

Q. What did you ascertain in regard to another member of the same family named William D. Stanton, living at the same place?—A. Just the same facts.

Q. That instead of moving out before the election, he moved a month after the election?—A. Yes, sir.

Q. Now, this same valuable lieutenant reports in regard to John Sumner, 2025 Biddle street, that he never did live there; what was the result of your investigation?—A. I found that Mr. John Sumner had lived there some seven or eight months. I saw his wife; that is what his wife stated to me.

Q. What did you ascertain in regard to Aaron Gibson, 1129 North Ninth street?—A. I found Mr. Andrew Gibson had lived at 1120 32 North Ninth street for years.

Q. He is living there?—A. Yes, sir.

Q. If you found him it is likely that Mr. Manning could also have found him?—A. I presume he could.

Q. Mr. Manning moves John T. Arthur, 823 Carr street, before the election; what did you ascertain in regard to him?—A. I found Mr. John T. Arthur boarding at Mrs. Shields's up to some time in December, when he moved away from there.

Q. Being of a liberal turn of mind, he also moves James Sweeney from 1426 North Tenth street before the election; what did you ascertain in relation to that party?—A. I found that Mr. Sweeney had lived here for a number of years, and had moved about the 20th of November.

Q. Desiring to make an extremely favorable report, he also, without any expense to Thomas M. Easterly, of 1916 North Ninth street, moves him, some eight months ago, from that place; what did you ascertain in regard to that fact?

Mr. POLLARD. I object to that, because there is no testimony of that description; there is no testimony by any witness put upon the stand by the counsel for the contestant to the effect that such witness moved or attempted to move a man in this town. We put no move men on the stand; our witnesses were men engaged in other pursuits, and were prominent men.

33 By Mr. DONOVAN:

Q. Well, then, did he deliberately lie when he said that Thomas M. Easterly had removed from 1916 North Ninth street eight months ago?—A. I saw Mr. Easterly in person; he said he had been living there since five years. I can't see how this witness could move him away; he lives upstairs there.

Q. Sitting down in the privacy of his closest, he finds it convenient to report as not known, Robert Carry, 1326 North Tenth street; what was the result of your inquiry?—A. I found that Mr. Carry did live there, and has for several years. His wife couldn't tell exactly how many years—whether it was three, or four, or what—but it was several years.

Q. Well, in order to give a little variety to this report, and wherein we can have no confidence whatsoever, he moves away from 1428

North Tenth street, John Matt; what did you ascertain in regard to that?—A. This is another case where I think a part of the name was left off. I found Mr. John Matthew living there, and had been since last August.

Q. Mr. Manning, this here sub-deputy understrapper of General Hardwig, reports as not known Pat. Kerwin, of 1410 Biddle street; what was the result of your investigation?—A. Mr. Kerwin lived up there to the 12th of March.

Q. The twelfth of this present month?—A. The last month now, this being the first of April; yes, this last March. He moved right across the street, or right in the block opposite, a little down;
34 he lived there about a year at 1410.

Q. He reports in regard to James B. Walsh, of 1417 Wash street; what did you find out in regard to that gentleman?—A. Mr. Walsh boarded there with Mrs. Ryan all last summer up to late in the fall, and moved some three months ago; he is now in a milk dairy near Twelfth or Thirteenth and Chestnut streets; I suppose it is Cavanaugh's dairy; he moved two or three months after the election.

Q. Well, in order to earn his pay, and move the party at the proper time, he moves away on the first day of November, 1880, John Fitzgerald, 2435 Biddle street; what is the truth of that matter?—A. I found that Mr. Fitzgerald moved to Twenty-fourth and Carr streets about the first of December; he had previously lived at 2435 about two or three years.

Q. Taking advantage of a mistake in taking a letter "o" for the letter "e," he reports as not known Thomas Heban, or Hoban, 2307 Division street; what is the truth of the case?

Mr. POLLARD. I object to that question because there was no advantage taken of any letter by any witness put upon the stand; and the only advantage taken of letters was by individuals who desire to vote on some name other than their own.

A. I found Mr. Hoban, 2307 living there at present, and had been living there for six or seven months.

By Mr. DONOVAN:

Q. The "e" is sometimes likely to be mistaken for an "o," by parties writing it?—A. Yes, sir; I sometimes make the same mistake myself.

35 Q. Well, he conveniently moves and before election day John Giblin, from 2315 Division street; what is the truth of that case?—A. I found Mr. John Giblin had been living there, and moved in the latter part of November to Spring street and Cass avenue; I couldn't find out how long he had been living there; but it was for some time, so it was stated to me in the neighborhood by several parties there.

Q. How long was Patrick O'Brien living at 2314 Division street?—A. I saw Mrs. O'Brien and she said they had been living there for several years.

Q. This renegade Democrat, with a blue spot under his eye, reports that Robert Simpson is not known in the neighborhood of 2314 O'Fallon street; what did you ascertain in relation to that case?

Mr. POLLARD. I object to any such remarks in a question to a witness. This witness has not testified that he knows the previous witness, the one whom the counsel for the contestee describes as having a blue spot on his nose, and the only object in making such allegations in the questions is to bring reproach and contumely upon the previous witness.

Mr. DONOVAN. The counsel for the contestant well knows that the witness alluded to certainly deserves it.

Mr. POLLARD. The witness does not deserve it as far as the record in this case shows; it shows that he did his work faithfully and
36 well, and that he testified truthfully and in strict accordance with the facts. Notwithstanding a most rigorous cross-examination by the counsel for the contestee, lasting many hours, he failed to elicit the fact that the witness had testified wrongfully or improperly, or had testified to what was not the truth in any degree.

Mr. DONOVAN. No cross-examination in regard to individual names was ever made; but simply in regard to the general character of the witness himself, who was testifying in regard to these names, and the record will prove it.

Mr. POLLARD. I will state here now positively, and the record will certainly bear me out in the allegation, that very many of these canvassers, in fact, all but one or two, were subjected not only to a rigid cross-examination in general, but to a special cross-examination as concerning each and every name which they testified about.

Mr. DONOVAN. I cannot keep up a fish-woman's talk with the distinguished counsel for the contestant, and will ask the witness whether Robert Simpson was or was not known in the neighborhood of 2314 O'Fallon street?

Mr. POLLARD. I object; and I am very glad to see, in objecting to that question, that the gentleman's stock of fish-woman dialect has substantially run out; and I hope and pray that in future he may have nothing further to say in that dialect.

By Mr. DONOVAN:

37 Q. Will the witness answer the question?—A. I found that Mr. Simpson formerly lived there, but moved about one month ago to 2315, right across the street.

Q. How long had he lived at 2314?—A. Said to have been living there for some time.

Q. Was he known in the neighborhood?—A. I found him by asking a little boy if he knew anybody by the name of Simpson; he said he lived over across the street.

Q. This same unworthy man reports John Berger, of Twenty-fifth and Biddle streets, as not found; what was the result of your inquiry for that gentleman?—A. I found Mr. John Berger; at least, I found his wife, and saw her in person; his number is 1134 North Twenty-fifth street, said he had lived there for twenty years, and owned the property.

Q. He also reports as not found Jere Beule, 2355 Carr street, did you seek for the gentleman?—A. Mr. Beule lives in the rear of 2315 Carr street, and has lived there since the last of August.

Q. He did not live in front?—A. No, sir; he lives in the rear.

Q. If this immaculate canvasser had gone to the rear and had desired to find the man, he would have found him just as readily as you found him?—A. I suppose he would.

Q. Well, in his diligent search for William Burns, 515 Carr street, he reports him as not known; what did you find out?—A. I saw
38 Mrs. Lee, the lady who used to keep the boarding-house; now she has moved next door, 513, and she said that Mr. Burns boarded with her up to about the twenty-third of December.

Q. Now, not knowing what a desperate mistake he was falling into, and being utterly indifferent in regard to his report to these gentlemen

who represent the contestant in this cause, and to his testimony on the stand, provided it was favorable, he reported that James Hogarty, at 622 Biddle street, had moved away from there three years ago; what is the truth of that matter?

Mr. POLLARD. I object to that question, because the counsel for the contestee has injected into it a statement, a voluntary one, which is not the fact; the witness referred to tried and succeeded in telling nothing but the truth while he was on the stand, and the gentleman well knows it when he volunteers the statement that he did not, and when he makes any assertion of this nature which he very well knows is not borne out by the record.

Mr. DONOVAN. We will see now from the testimony of this witness to what extent the celebrated Manning, with the blue spot under his eye, deliberately lied; and I ask this witness what he ascertained in regard to that gentleman, whom this conscientious Manning reported as having moved three years ago.

Mr. POLLARD. I am very delighted to say, in my objection to that stump speech, that Mr. Manning with the blue spot on his nose, 30 seems to be a very dear friend of the contestee's counsel, and to such an extent that he has personally examined all parts of his body, and knows where all the blue spots are; and it comes with very ill-grace that the one friend should disclose the secrets of the other; this record shows unequivocally that in this present examination the counsel for the contestee has drawn exclusively on his own gigantic imagination for blue spots and other marks and deficiencies, with which he fills his questions and this record.

Mr. DONOVAN. I identify the contestant's witness by his blue spots on his face, not on the other parts of his body; and by his defective eye.

Mr. POLLARD. I am very glad to know the gentleman admits the fact that he can tell at a glance whether a spot be blue or not, and that the possession of a defective eye necessarily tends to prove the possessor to be unworthy of belief.

Mr. DONOVAN. If the counsel for the contestant is through with his fish-woman objections, I would like to ask you what you ascertained in regard to James Hogarty, 622 Biddle street, and who was reported by this man Manning as having removed three years ago?

Mr. POLLARD. The counsel for the contestant never indulges in fish-woman language whatever, but he deems it his duty when the 40 contestee's counsel seems so very desirous of filling this record with stump-speeches, political speeches, and all sorts of speeches, to assist him in so doing.

By Mr. DONOVAN:

Q. Now, if the gentleman will allow me, I will ask the witness again, what did you ascertain in regard to James Hogarty, 622 Biddle street, who was reported by this man Manning, as having moved three years ago?—A. I saw Mr. Hogarty in person; he told me he had lived there for twenty-three years; he keeps a saloon on the corner there that runs back as far as 620 Biddle street; he registered from 622 Biddle street, because he said that was the entrance to his residence.

Q. He had not moved from there three years ago, if he has been living there twenty-three years?—A. I should think not.

Q. What did you ascertain in regard to John Howard, of 606 Biddle street, reported as not known in the neighborhood, after a careful, con-

scientious, diligent, and cautious search?—A. I saw Mr. Howard; he said that he had moved to 622 about the seventh of December; he formerly lived at 606 for about three years.

Q. Well, this conscientious gentleman, with the blue spot under his eye, reports that George P. Foreman's place, 1523 North Eighth street, is a blacksmith shop, and intimates that the gentleman doesn't
41 live there in the vicinity; what did you ascertain?—A. I found that Mr. Foreman had lived at 1523, I couldn't find out exactly how long; but he had moved about two months ago; parties next door told me this.

Q. Moved after the election?—A. Yes, sir; that would be after the election; that would be some time in January, I think.

Q. Well, this gentleman, in his destruction of honest Democratic voters, also reports in regard to John Finley, of 2403 Biddle street, what did you find out in regard to him?

Mr. POLLARD. I only desire that the counsel for the contestee shall amend his question by prefacing to the word "honest," the syllable "dis."

A. I found that Mr. Finley had lived there for over two years, and lives there at present.

By Mr. DONOVAN:

Q. This thug, who has been going about threatening my witnesses with assassination, reports as not known Timothy Slattery, of 1209 Foster alley; what did you ascertain in regard to that?

Mr. POLLARD. I object again to the reiteration of these terms to the witness who has been on the stand, who in every way conducted himself while on the stand as genteely as the counsel for the contestee himself, he having been, and to all appearances is, an honest, truthful, and disinterested man; and I again assert, and the record will bear me out in my assertion, that there is no evidence and no facts in this
42 case which tend in the least to show that he has ever disturbed, or molested, or made afraid any witness which the contestee has put upon the stand or has summoned; that this statement, so often repeated by the counsel for the contestee, has no foundation in fact, but is simply drawn from his exuberant imagination.

By Mr. DONOVAN:

Q. What did you ascertain in regard to that gentleman?—A. I found that Mr. Timothy Slattery has lived there for some time, but moved about two months ago; I couldn't find out where he had gone to.

Q. Moved after the election?—A. Yes, sir; moved two months ago.

Q. He was known in the neighborhood?—A. Yes, sir.

Q. He also reported as not known Edward Sheehy, 516 O'Fallon street?—A. I find him living there; he has lived there since last October.

Q. He also reports as not known William Foley, 1225 Foster alley; what did you find out concerning that gentleman?—A. I found that Mr. Foley had lived there a year, and had moved about three months ago.

Q. He makes the same report of not known in regard to William H. Wilson, 513 Biddle street, what was the result of your inquiry?—A. Mr. Wilson lives on the third floor of 513 Biddle street, and has since the last October.

Q. He made the same report of not known regarding J. W.
43 Wilson, at the same place, a member of the same family?—A. He lives there, and has for some length of time.

Q. He makes the same report regarding his son at the same place; what did you ascertain?—A. He lives there; I make the same report.

Q. Now, we will pay our addresses to Mr. Charles R. Woolf, another known companion of Mr. Manning's, who reports that Mike Sloney, 209 Florida street, did not live there; if you made an investigation in regard to him, just please report the same.—A. Mr. Sloney lived there for about one year, and then moved, on last Thursday, the 17th of March.

Q. This year, of course?—A. Yes, sir.

Q. Well, in order to earn his pay, Mr. Woolf reports that a S. H. Craffey, 915 Cass avenue, moved before election time; what did you ascertain in relation to that gentleman?

Mr. POLLARD. I object to that statement, because the testimony of Woolf was not to that purport or anything of the kind, and because the testimony of Woolf showed conclusively that he did not give such report for the purpose of earning any pay; but that he gave the testimony which he did give because they were the facts in the case.

A. I found that Mr. Craffey moved about the first of December to 1814 Franklin avenue, from 915 Cass avenue, about six months ago.

By Mr. DONOVAN:

Q. In order to show his efficiency as a canvasser to curry favor with his employers he gets bolder and he moves Thomas Dann from 920 Mound street six months ago, or rather six months before the election; what did you ascertain?—A. Mr. Dann lives there at the present time, and has lived there for a year back.

Q. Well, he moves away, before the election, a man by the name of W. E. Conaway, 2307 North Ninth street; what is the truth of the case?

—A. I found that Mr. Conaway had lived there, in the rear, but moved somewhere on Montgomery street about the twenty-ninth of December.

Q. Well, he got bolder still, and he says that William Boeche does not live at 2702 North Ninth street; what is the truth in that instance?

—A. I found that Mr. Boeche lives upstairs there, and he works down at the round-house of the Saint Louis, Wabash & Pacific, or the old North Missouri, I believe it used to be called.

Q. The gentleman makes a similar report in regard to Frank Williams, 2704 north Ninth street, what is your report?—A. He lived there about election time, with Mr. Lunt, and voted there with him.

Q. How long did John M. Hick live at 521 O'Fallon street?—A. He lived there over two years.

Q. Well, this efficient member of the awkward squad of General Hartwig reports that James Galvin does not live at 2201 O'Fallon street; what did you elicit in that regard?—A. Mr. Clearly, who keeps the boarding-house and saloon, says, that Mr. Galvin has been there since about last June, and lives there now, or did when I called there.

Q. Well, with his usual liberality, he moves, before election, A. L. Tiernan, from 201 Ashley street; what can you tell us about that case?

—A. I found that Mr. Tiernan had lived there for some time, and that he had moved to East Saint Louis some three months ago, and of course since the election.

Q. What did you ascertain in regard to Andrew Burns?—A. I found that he had lived at 1115 for about four years, and moved the seventh of March to 2221 Carr street.

Q. Well, this typographical contestant's assistant reports that John Saloney did not live at 2117 Division street, where did he live?—A.

Mr. Maloney lives at 2107; he lives there about six months; never did live at 2117; he said he had always lived at 1207.

Q. This typographical candidate for Congressional honors has his assistant to report as not known Charles Redfern, of 2019 Division street, what did you learn in the premises?

Mr. POLLARD. I object to that, because the counsel for the contestee now desires to style the contestant in this case a typographical contestant, a man who is made up of types, when the fact is that the community of the city of Saint Louis owe him a great deal for his efforts and endeavors to ferret out the frauds perpetrated by the Democratic party in this city, which frauds are now being or attempted
46 to be covered up and hidden in the mazes of these voluminous questions put by the contestee's counsel to his various witnesses, and which frauds now are adopted by the contestee, by his actions in this contest, as his frauds.

Mr. DONOVAN. Seeing that his case is going to oblivion and gradually melting away under the undisputed and unimpeachable testimony which is being offered, the counsel for the contestant, Mr. Pollard, now proceeds to make up testimony and further bolster up this typographical case.

Mr. POLLARD. After the magnificent failure of the gentleman in bringing witnesses, and after raking and scraping the slums, cesspools, and sinks of this town for witnesses to testify in this case, and after failing to elicit any fact to break down the testimony in this case on the part of the contestant, he now, by this sheer force of his wind, hopes to bolster up that case and give it some strength.

By Mr. DONOVAN:

Q. Where did Charles Redfern live?—A. I found him living at present at 2018, right across the street, where he lived since last May.

Q. You did not find him at 2019, but you found him at 2018?—A. Yes, sir.

Q. This able lieutenant, Mr. Woolf, had the same facility for finding him as you had?—A. I had no trouble at all.

47 Q. He was known in the neighborhood?—A. Yes, sir. Oh, everybody knew him; I had no trouble to find him.

Q. Well, now, he made the same report of not known in regard to John Limorick, 2111 Division street; what did you find out in regard to Mr. L.?—A. I found him living there; he had been living here since last July.

Mr. POLLARD. I object to that question, because Mr. Woolf, and no one else, except Mr. Gouter, gave one iota of testimony concerning the name just asked about, and the counsel for the contestee ought to know it, if he doesn't.

Mr. DONOVAN. The record will brush away such an objection as that. This lieutenant in this typographical case takes advantage of the difference between an S and a G, and reports in regard to S. M. Kaut, corner Easton avenue and Thomas street, that he was not known; now tell us what you found out about this party?

A. Mr. George M. Kaut keeps a vegetable store there at that number; I know him in person; he has been there over a year to my knowledge; I think very near two years.

Q. Mr. Kaut is well known in the neighborhood?—A. Everybody knows him around there.

Q. You investigated some few names of John A. Hyde?—A. Yes, sir.

Q. You have some names of his that were parceled out by
48 streets?—A. Yes, sir.

Q. Now, Mr. Hyde, another of this crew reports as not known John Reilly at 1237 North Ninth street; what is your report?—A. I found Mr. Reilly living there, and had for about a year past.

Q. Where does he live, upstairs or down-stairs?—A. Upstairs.

Q. Did you find William Maloney living at 1317 North Eighth street?—A. Mr. Maloney lives there at present, and has for the last eight months.

Q. Well, this valuable assistant of this typographical contestant says that Ben. Taylor, of 7137 Biddle street, did not live there on election day: what was the character of your report?

Mr. POLLARD. I protest, in my objection, to that question, that the contestant in this case is not a typographical contestant, but that he is endeavoring to unearth and bring to justice these individuals in the human form who have endeavored, in the third Congressional district, to cast a vote for the contestee on the names of men, who are dead, after having voted on their own name; they have gone and voted from places where no person had ever lived; they went and voted from vacant lots; and from all the dens and disreputable places in this town.

Mr. DONOVAN. If the committee agrees to read all these unnecessary speeches and objections of the counsel for the contestant, I dare
49 say they will laugh as heartily in reading them as the counsel for the contestant does himself in making them.

Mr. POLLARD. The counsel for the contestant was never more serious in his life at the utter and flagrant misstatement of facts by a man who ought and who does know better, to wit, the counsel for the contestee.

Mr. DONOVAN. As Mr. Pollard will insist upon having the last word, and I, having no objection to his having it, with his permission we will now adjourn for dinner, the hour for adjournment having arrived.

At this point a recess was taken until 2 o'clock p. m.

AFTER RECESS—2 p. m.

Cross-examination by Mr. POLLARD:

Q. Mr. Dickey, how old are you?—A. Twenty-four.

Q. What is your business?—A. Insurance solicitor.

Q. Where do you do business?—A. I do it in various places.

Q. Have you any office?—A. No, sir; no stated office.

50 Q. Do you work for any particular company?—A. No, sir; I do more for the "Penn" than any other.

Q. Is that life or fire?—A. Life; I do business for any life company that I can get. If I find a man that wants one company more than another, I place him in that company.

Q. You commenced work, you say, for Mr. Donovan about the sixteenth day of last month?—A. I think it was the sixteenth.

Q. Who employed you in this work?—A. Mr. Tate, originally.

Q. You knew when you went to work who you were doing the work for?—A. Yes, sir; I understood who I was working for.

Q. And understood that you were working for the purpose of eliciting facts about which to testify?—A. Yes, sir.

Q. In this case?—A. Yes, sir.

Q. And that was the object in making the canvass in the third Congressional district which you did make?—A. That was the object that I had in view; yes, sir.

Q. What are your politics, Mr. Dickey?—A. I am a Democrat.

Q. How much wages did you get for doing this work?—A. One lar a day.

Q. How many hours a day did you work?—A. Some da
51 worked more. Some days I worked from eight o'clock in morning until six or seven o'clock of the evening. Some da wouldn't work more than two or three hours. It was according to weather.

Q. How many days did you work?—A. On this list, do you me

Q. On the list which you have testified about this morning?—
How many days did I work on this list?

COUNSEL. Yes, sir.

A. I should say, probably, ten or twelve days.

Q. Did you elicit information for the purpose of testifying about other list than that one you now have in your hand?—A. No, sir; was all the list I had.

Q. Did I understand you, in your examination-in-chief, to say you quit this canvass on the twenty-second or twenty-third of month?—A. No, sir; I didn't say so.

Q. But you did testify that you did quit some kind of work on twenty-second or twenty-third day of the month; what was it?— don't think I testified about quitting any kind of work on the two second or twenty-third; if I did, I made a mistake; that's all.

Q. Well, when did you quit this canvassing?—A. In the neigh hood of the twenty-sixth or twenty-eighth; I can't tell positively.

Q. Was it this week?—A. This week, some time, yes; I gues was about Monday or Tuesday.

52 Q. And during all the time, from the sixteenth of March till about Monday or Tuesday of this week, which would be twenty-eighth or twenty-ninth of March, you were employed in vassing that district?—A. Not all the time; no, sir. Some days, Sundays, I did not do anything, of course. On last Saturday it ra like "thunder," and so I didn't do anything on that day.

Q. But the rest of the time you devoted to this canvass?—A. A of it; yes, sir.

Q. To this particular list of which you have been testifying?—
Yes, sir.

Q. Now, when you were employed by Mr. Donovan he placed in y hands a series of lists of names, did he not, which he told you had testified about by some letter carriers and some canvassers on the of the contestant?—A. I think Mr. Tate gave me all those lists w I had.

Q. How many lists did he give you?—A. I couldn't say positiv it might have been half a dozen; may be a dozen all told.

Q. How many names were on the lists which he gave you?— never counted them.

Q. Were there as many as seventy-five?—A. On all of them?

Q. Yes.—A. I presume there was.

Q. Isn't it a fact that there was between eight and nine hundred
A. No; I don't think there was.

53 Q. Well, how many in your judgment?—A. I don't think t was more than two hundred and fifty at the outside. T couldn't have been as many as you say. I can't tell the exact num

Q. Did he state to you that it was the entire list of names testi to by Mr. Hyde?—A. No, sir; he didn't state to me anything of sort, to the best of my recollection.

Q. You are speaking now of Mr. Tate?—A. Yes, sir.

Q. Did he state to you that one of the lists which he handed to you was the list of names concerning which Mr. Hyde had testified?—A. To the best of my recollection, he did.

Q. And another was a list, was it not, of names which was testified about by Mr. Lingo, a letter carrier?—A. The list, I think was from Mr. Lingo.

Q. He gave you what purported to be Mr. Lingo's entire list, did he not?—A. I don't remember positively whether he stated that that was Lingo's entire list, or not.

Q. Do you know how many names were on that list of Mr. Lingo?—A. There was very few; one, or two, or three, or something like that.

Q. Not more than two or three?—A. No, sir; I think not.

Q. Did he give you the entire list of Mr. Wheaton, a letter carrier?—A. I don't know; I filled out the lists that I got.

By Mr. DONOVAN:

Q. Were they arranged by streets?—A. That is the way I got the lists; by the names on each street.

By Mr. POLLARD:

Q. You make that answer at the suggestion of the counsel for the contestee in this case, do you not?—A. Those are the facts, anyhow.

Q. Did he make that suggestion to you just now?—A. He made that remark.

Q. About how many names were there on Wheaton's list?—A. I don't know; I never counted them.

Q. Forty or fifty?—A. No, sir; I don't think there was so many; I can tell you what I have got.

Q. What I want to elicit from you is not what you have there, because we have those already, but how many names there were on the list which he gave to you; that is what I am driving at, and the information I want if I can get it?—A. Well, I stated before, each list was divided up into streets. I went to that street and found all I could, then I grouped them under this style afterwards; that is, I would have the name of the street at the top and the names on that street that I was to look for would be in this column.

Q. That was to facilitate you in your work of canvassing?—A. Yes. That was to facilitate the work.

55 Q. And there might have been on Wheaton's list, you say, something like twenty or thirty names?—A. No, sir; I don't think there was. I don't believe there was thirty names; I don't think there was fifteen; or twenty there might not have been more than two or three.

Q. You think that there were about fifteen?—A. No, sir; I don't think any such thing. I suppose there may have been five or six names, maybe not half that many.

Q. Do you remember how many there were on the list furnished you as having been testified to by Nichols the letter carrier?—A. No, sir; I do not.

Q. About how many?

Mr. DONOVAN. When this list was handed to you it was already arranged by streets, and you simply followed out those streets, looked for those names, and didn't know whose list it was?

Mr. POLLARD. I object to the instructions given the witness by the counsel for the contestee. Said counsel is sitting by the witness and instructing him what to say.

Q. Do you know how many names were on the list testified to by Godejohn?—A. No, sir.

Q. Nor by Mr. Cobb?—A. No, sir.

Q. Nor by Mr. Hyde?—A. No, sir.

Q. Nor by Mr. Manning?—A. No, sir.

56 Q. Nor by Mr. Hutt?—A. No, sir.

Q. Nor by Mr. Woolf?—A. No, sir.

Q. But you don't think there was over two hundred and fifty or three hundred names?—A. I don't think there was that many; not over that I am positive.

Q. You reside, you say, at 3115 Sheridan avenue?—A. Yes, sir.

Q. That is a long distance, is it not, from the majority of the houses that you visited?—A. Well, it depends on what you call a long distance.

Q. Well, how far?—A. I don't consider it very far; one way most of them are in the north end of town within ten or twelve blocks of me; some, fifteen blocks.

Q. Are those places which you visited on Second, Third, Fourth, and Fifth street, within ten or twelve blocks of you?—A. No, sir; but that is not a majority of them.

Q. Are you familiar with that portion of the town in which you made your examinations in the pursuit of this employment?—A. Some of it I am familiar with; some of it I am not.

Q. Are you personally acquainted with the men whose names you have testified about this morning?—A. Some of them I am, and some I am not.

Q. About what per cent. are you personally acquainted with?—A. Well, I couldn't hardly tell you what per cent.

57 Q. Isn't it a fact that you testified this morning of your own personal knowledge of but one man, and that was Mr. Kaut?—A. I don't remember whether I stated it that way or not; but some others I was introduced to, and I guess I know them personally.

Q. I want to know if you knew them personally before you made this investigation?—A. I believe Kaut was the only person that I knew personally before that.

Q. You did not find Mr. Abner Kenwood, on the south side of North Market street, between West Twentieth and Jefferson avenue, did you?—A. I found that he had lived there, but had moved away from there a short time ago.

Q. But you didn't find him there?—A. I said I didn't find him there. Don't I speak loud enough? I didn't find him there at the present time.

Q. That is what I want to get at; do you know him personally?—A. No, sir.

Q. Have you information on the subject except what you have on the memorandum there in your hand?—A. I got my information from the man that he rents his house from.

Q. That information is on your memorandum?—A. No, sir; that information I got from the man that owns the house; and it is not on here.

Q. Does your memorandum furnish you with the information when this Mr. Kenwood moved to this point on the south side of
58 North Market street, between West Twentieth and Jefferson avenue?—A. No, sir.

Q. Nor when he moved from there?—A. He moved from there last fall.

Q. Did you not testify in your examination-in-chief that he moved

from there last summer?—A. I don't think I did; I think I stated that he lived there last summer, and left there last fall.

Q. But when he moved from there you don't know any more than that it was last fall?—A. That is all I know.

Q. And you did not find any man by the name of John Keefe on Kossuth avenue at any number at present; you did learn, however, from some source that he had lived there at that place?—A. I found that he lived there now; and I so stated it this morning; he lived there when I was there.

Q. And that was your testimony this morning?—A. That was my testimony this morning; I said he lived at 4001 Broadway about two months ago; but that formerly he lived at 3937.

Q. You did not find him at 3937, but some found from some source that he had moved from there to 4001?—A. That is the place where I found him.

Q. Did you inquire at 4801 for Dennis F. Maloney?—A. I found Mr. Maloney at 3937; he formerly lived at 4001 for some time. That
59 is directly across the street; both places are boarding-houses.

Q. But he was not at the present time living at 4001 Kossuth.—A. He lives now at 3937; I said he formerly lived at 4001.

Q. Did you see the man yourself?—A. I saw the landlady of the house; she ought to know.

Q. At 3937?—A. I saw both of them; at 3937, and at 4001.

Q. And they both told you that he lived at 3937?—A. Yes, sir; they both told me that he lived at 3937.

Q. Did you inquire at 1624 Wright street for John Sheehan, who had registered on election day from that number, and had cast his vote from that number?—A. I saw Mr. Sheehan personally at 1619 Wright street; he told me that there was where he lived and had lived for over a year.

Q. Did he tell you that he had registered from 1619 and also from 1624?—A. No, sir; he did not.

Q. Did you make any inquiry at 1624 for a man named John Sheehan?—A. I think I did for John Sheehan, asking if that man lived around there; and found him at 1619.

Q. And you found no one of that name at 1624?—A. No, sir; I found one by that name at 1619; I didn't find him at 1624; I found him at 1619.

Q. Did you inquire at 1729 for C. L. Meyers, or did you not?—A. 1729 what street?

Q. On any streets?—A. I inquired for C. L. Meyers all around on Ninth street, and found him living at 1749 North Ninth street.

60 Q. Did he tell you that he had registered on election day and voted from 1729 North Ninth street?—A. I never asked him that question; I asked him how long he had been living there.

Q. If there was a man living at 1729 North Ninth street on election day and did register and vote from there, he was not the man whom you found, was it?—A. Well, I don't know whether there was a man there or not, who has got that same name; he told me he was the only C. L. Meyers in that neighborhood.

Q. Then you believe from your investigation, do you not, that if a man named C. L. Meyers registered and voted from 1729 North Ninth street that he was a fraud?—A. No, I think it was a mistake in giving the number; I think that was intended for a 4 instead of a 2.

Q. You don't believe that any stanch Democrat would perpetrate such a fraud as that?—A. No, sir; I don't think that any good Democrat would do any such thing as that.

Q. Do you know how many names were on the list testified to by Godejohn?—A. No, sir.

Q. Nor by Mr. Cobb?—A. No, sir.

Q. Nor by Mr. Hyde?—A. No, sir.

Q. Nor by Mr. Manning?—A. No, sir.

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Q. Are you personally acquainted with the men whose names you have testified about this morning?—A. Some of them I am, and some I am not.

Q. About what per cent. are you personally acquainted with?—A. Well, I couldn't hardly tell you what per cent.

57 Q. Isn't it a fact that you testified this morning of your own personal knowledge of but one man, and that was Mr. Kaut?—A. I don't remember whether I stated it that way or not; but some others I was introduced to, and I guess I know them personally.

Q. I want to know if you knew them personally before you made this investigation?—A. I believe Kaut was the only person that I knew personally before that.

Q. You did not find Mr. Abner Kenwood, on the south side of North Market street, between West Twentieth and Jefferson avenue, did you?—A. I found that he had lived there, but had moved away from there a short time ago.

Q. But you didn't find him there?—A. I said I didn't find him there. Don't I speak loud enough? I didn't find him there at the present time.

Q. That is what I want to get at; do you know him personally?—A. No, sir.

Q. Have you information on the subject except what you have on the memorandum there in your hand?—A. I got my information from the man that he rents his house from.

Q. That information is on your memorandum?—A. No, sir; that information I got from the man that owns the house; and it is not on here.

Q. Does your memorandum furnish you with the information when this Mr. Kenwood moved to this point on the south side of
58 North Market street, between West Twentieth and Jefferson avenue?—A. No, sir.

Q. Nor when he moved from there?—A. He moved from there last fall.

Q. Did you not testify in your examination-in-chief that he moved

from there last summer !—A. I don't think I did; I think I stated that he lived there last summer, and left there last fall.

Q. But when he moved from there you don't know any more than that it was last fall?—A. That is all I know.

Q. And you did not find any man by the name of John Keefe on Kossuth avenue at any number at present; you did learn, however, from some source that he had lived there at that place?—A. I found that he lived there now; and I so stated it this morning; he lived there when I was there.

Q. And that was your testimony this morning?—A. That was my testimony this morning; I said he lived at 4001 Broadway about two months ago; but that formerly he lived at 3937.

Q. You did not find him at 3937, but some found from some source that he had moved from there to 4001?—A. That is the place where I found him.

Q. Did you inquire at 4801 for Dennis F. Maloney?—A. I found Mr. Maloney at 3937; he formerly lived at 4001 for some time. That
59 is directly across the street; both places are boarding-houses.

Q. But he was not at the present time living at 4001 Kossuth.
—A. He lives now at 3937; I said he formerly lived at 4001.

Q. Did you see the man yourself?—A. I saw the landlady of the house; she ought to know.

Q. At 3937?—A. I saw both of them; at 3937, and at 4001.

Q. And they both told you that he lived at 3937?—A. Yes, sir; they both told me that he lived at 3937.

Q. Did you inquire at 1624 Wright street for John Sheehan, who had registered on election day from that number, and had cast his vote from that number?—A. I saw Mr. Sheehan personally at 1619 Wright street; he told me that there was where he lived and had lived for over a year.

Q. Did he tell you that he had registered from 1619 and also from 1624?—A. No, sir; he did not.

Q. Did you make any inquiry at 1624 for a man named John Sheehan?—A. I think I did for John Sheehan, asking if that man lived around there; and found him at 1619.

Q. And you found no one of that name at 1624?—A. No, sir; I found one by that name at 1619; I didn't find him at 1624; I found him at 1619.

Q. Did you inquire at 1729 for C. L. Meyers, or did you not?—A. 1729 what street?

Q. On any streets?—A. I inquired for C. L. Meyers all around on Ninth street, and found him living at 1749 North Ninth street.

60 Q. Did he tell you that he had registered on election day and voted from 1729 North Ninth street?—A. I never asked him that question; I asked him how long he had been living there.

Q. If there was a man living at 1729 North Ninth street on election day and did register and vote from there, he was not the man whom you found, was it?—A. Well, I don't know whether there was a man there or not, who has got that same name; he told me he was the only C. L. Meyers in that neighborhood.

Q. Then you believe from your investigation, do you not, that if a man named C. L. Meyers registered and voted from 1729 North Ninth street that he was a fraud?—A. No, I think it was a mistake in giving the number; I think that was intended for a 4 instead of a 2.

Q. You don't believe that any stanch Democrat would perpetrate such a fraud as that?—A. No, sir; I don't think that any good Democrat would do any such thing as that.

Q. Did you make any inquiries for C. H. Meyers, in that neighborhood?—A. I don't recollect that I did.

Q. Did you make any inquiry at 1112 North Eighth street for one John Kennedy, who registered on election day from that number, and who voted the Democratic ticket from that number?

Mr. DONOVAN. That is all assumption on the part of the counsel for the contestant, because he very well knows that there is no proof
61 of any such fact in this record.

Mr. POLLARD. The facts are that a man of the name of John Kennedy did register on election day from 1112 North Eighth street and did vote, and the presumption is that he being a fraudulent voter that he was a Democrat.

A. I went in there near the corner of Biddle street and met a policeman who said I should go up there, pointing up to a place; I went up there and asked for him, and was told by the landlady that he lived right back of her in the yard, and that he lived there a long time; I found Mrs. Kennedy there; she said her husband was living there for many years.

Q. That was in the rear of 1123?—A. That was in the rear of 1123.

Q. And 1112 is on this side of the street, opposite to 1123?—A. I presume it would be; I didn't go to see.

Q. And if John Kennedy lived at 1123 North Eighth street on the day of election, and registered and voted from 1112 North Eighth street, it was a fraudulent vote, was it not?—A. I think you ought to know whether it was a fraudulent vote or not without putting that question to me.

Q. You do not desire to pass any opinion on that?—A. No, sir.

Q. Did you make any inquiry at 713 Biddle street for Dan Rierdon?—A. I did; yes, sir.

Q. And you found out that he had boarded there before and
62 after the election?—A. Yes, sir.

Q. And that he was not now there?—A. No, sir; he was not there now.

Q. What memorandum have you further concerning him, if any?—

A. I found that he boarded with Mrs. Roden before and after the election.

Q. Have you any personal knowledge on the subject other than what appears on your memorandum?—A. I got my information from Mrs. Roden.

Q. And you know nothing else about it?—A. I don't know the man personally.

Q. And you didn't learn when he went there or when he left, except what your memorandum shows?—A. No, sir; that is all the information I have.

Q. Did you make any inquiry for James Donnelly at 927 Carr street?—A. I inquired for John Donnelly at 926, and found that he lived there and had for six months past; he was janitor of the Dental College there.

Q. Did you make any inquiries for James Donnelly there?—A. No, sir; I did not; I inquired for John Donnelly and found him.

Q. Was there more than one living there by the name of Donnelly?—A. I don't know; I didn't ask for any but John Donnelly.

Q. And they gave you the information that you have; but they gave you no information about James Donnelly at that same place?

63 —A. I didn't inquire for any such man.

Q. And if a man by the name of James Donnelly registered on election day and voted from that place, as far as your information goes,

it might have been a fraud or it might have been all right?—A. It might have been.

Q. You made inquiry of a Mrs. Rudolph, did you, concerning John McShea at 923 Carr street?—A. I did not ask of Mrs. Rudolph; Mrs. Rudolph has moved from there at present; I inquired from a lady that lived next door; I don't recollect her name; she told me Mrs. Rudolph had lived upstairs; this man McShea boarded with her.

Q. And that lady told you that he moved somewhere about the first day of December last?—A. She said she thought he had moved about the first of December.

Q. And that was as definite information as you obtained from her?—A. Yes, sir.

Q. And you know nothing further, personally?—A. If I did I would tell you.

Q. Now, if a letter carrier who testified that he had been traveling all over that locality for twelve or fifteen years past, and personally knew the people who resided at 923 on election day, and knew that no such man as John McShea resided there, you wouldn't regard his testimony as near as valuable as the testimony of this lady who lived
74 in the neighborhood?—A. I think she ought to have as good facilities for knowing as he would; it is all in one row; two houses together.

Q. Did she know when Mrs. Rudolph had moved away?—A. She said she had moved some time ago.

Q. Now, you inquired at 708 Cass avenue, you think, for Stanton, junior, and you elicited the information from some one or from some source that he had left there some time in December?—A. Yes, sir; I found that out from some of the neighbors around there; I don't recollect from whom I found that out.

Q. Was there any one living in the house?—A. Yes, sir; I think there is.

Q. Did you get that information from that house?—A. I got that from some one in the neighborhood; I don't remember who I got it from in that particular instance.

Q. And that is all the information that you have concerning that man at that number?—A. All that I have given you.

Q. And you have the same information concerning John Stanton, senior?—A. Yes, sir.

Q. Now, you inquired for John Sumner at 2025 Biddle street, but you made no inquiry at that number for any one else or in that locality; you did not inquire for John Summers?—A. I never inquired for John Summers at all.

Q. And elicited no information concerning Summers at all?—A. My list called for John Sumner, and I had no business at all to inquire for John Summers.

65 Q. You found Aaron Gibson staying at 1120 North Ninth street, and found that he lived there some years?—A. I found Andrew Gibson living at 1121 North Ninth street.

Q. Did you find Aaron Gibson anywhere?—A. I did not; I found Andrew Gibson.

Q. Did you make any inquiry concerning Andrew Gibson?—A. I did; and they told me that Andrew Gibson lived at 1121.

Q. Could you elicit any information concerning the whereabouts of Aaron Gibson?—A. I think not.

Mr. DONOVAN. He could not find any such person as Aaron Gibson

living in the city of Saint Louis; this was another typographical error on which your case is wholly built up.

By Mr. POLLARD:

Q. Then, if a man by the name of Aaron Gibson did specially register on election day from 1120 North Ninth street, or 1124 North Ninth street, or 1129 North Ninth street, or anywhere in that neighborhood, from the information which you gathered you believe, do you not, that it was a fraudulent registration and a fraudulent vote?—A. You have asked me that question a dozen times, Mr. Pollard; I think you are as good a judge as I am.

Q. After repeated inquiries in that neighborhood you could find no man there of that name?—A. I have told you repeatedly that I couldn't find Aaron Gibson there; how many more times do you want it?

Q. Did you inquire at 1124 North Ninth street for Aaron Gibson?—A. I don't know whether I did or not; I inquired around the neighborhood, and I found Andrew Gibson.

Q. At 1120. Now, you inquired at 823 Carr street for John T. Arthur?—A. Yes, sir.

Q. And you learned from some source that he formerly boarded there, but that he had left some time in December?—A. I got that information from Mrs. Shields; that is the lady he boarded with.

Q. What number?—A. 823 Carr street.

Q. In answer to all these questions which I have asked you you have referred all the while to this memorandum which you hold in your hand, and which you testified about this morning, have you not?—A. Yes, sir.

Q. And all the information which you have given on this stand with the exception of one single name you have given from that memorandum?—A. I have given all of it from this memorandum.

Q. Every bit of it?—A. Yes, sir.

Q. Did you learn at what particular time Mr. Arthur left 823 Carr street?—A. It was about December; that was the best I could find out.

Q. Have you anything further on your memorandum concerning him?—A. That is all.

Q. You do not know when he went to 823 Carr street; your memorandum does not disclose that fact, does it?—A. No, sir.

Q. And you don't know of your own personal knowledge?—A. No.

Q. You inquired, did you, at 1426 North Tenth street for James Sweeney?—A. Yes, sir.

Q. And you elicited the information that he left there about the twentieth of November?—A. Yes, sir.

Q. From whom did you get that information?—A. I think it was from the lady next door.

Q. Have you any other information concerning Mr. Sweeney?—A. That is all; that he lived there for years; I found that out.

Q. And she was specific in her intelligence that he had left there on the twentieth day of November?—A. That is what she stated.

Q. That information making him a resident there on election day, the evidence was quite satisfactory?—A. Yes, sir; at any rate that was all I got.

Q. Did you see John Matt, at 1428 North Tenth street?—A. I found John Matthew living at 1428 North Tenth street.

Q. Did you make inquiry for John Matt there or at any other house in that locality?—A. I suppose I did.

Q. Did you find him at any place?—A. I find John Matthew, not John Matt.

Q. You made diligent inquiry for John Matt?—A. I found that John Matthew lived there, and I didn't inquire any further about that; I presumed it was an error on somebody's part.

Q. And if a man named John Matthew registered from 1428 North Tenth street on election day, and voted; and also a man by the name of John Matt or some man giving his name as John Matt, and his residence as 1428 North Tenth street, one or the other of those names was fraudulent, was it not?—A. I have just stated a few moments ago that I just presumed it was a mistake in the name.

Q. I say that if both John Matt and John Matthew registered and voted from that number on the last election day, was that correct or incorrect, according to the information which you elicited in your investigation?

Mr. DONOVAN. There is no evidence in this case that John Matt or John Matthew registered from that place; it is another of these fine-haired typographical errors, or, as it happens to be in this instance, a clerical error, so apparent that he who runs may read.

Mr. POLLARD. The counsel for the contestee has a great deal to say about typographical errors, and when he can make a witness or a Democratic vote or two Democratic votes out of one name I think it is about time to take into consideration some of these matters, at least to some extent; the record discloses the fact that John Matt and likewise John Matthew had registered on election day and voted from 1428 North Tenth street.

Mr. DONOVAN. The record does not disclose any such fact, and the gentleman well knows that such statement is made out of whole cloth.

By Mr. POLLARD:

Q. I want to ask you whether or not, from the information which you gathered, you are not convinced that there was no such man as John Matt residing at 1428 on last election day?—A. I don't suppose there was any such man as John Matt; but John Matthews is there and at that particular number.

Q. That is all I want to know about that particular name. You inquired at 1417 Wash street for James B. Walsh, did you?—A. Yes, sir.

Q. What is the information which you got concerning him, obtained at that number or in that neighborhood?—A. It was obtained in that number from Mrs. Ryan, the lady that lives there. He just boarded with her; he was the only boarder that she had.

Q. And she told you that he had left some time last fall?—A. He left about three months ago, I stated.

Q. That would make it last fall some time?—A. That would make it about Christmas time, wouldn't it?

Q. She didn't tell you what month he left in?—A. That would be somewhere about the Christmas holidays.

70 Q. Did she tell you what month he left in?—A. I stated no.

Q. And that is all the information you have concerning him, is it not?—A. Yes, sir; that's all.

Q. Did you make an inquiry at 2435 Biddle street for John Fitzgerald?—A. I did.

Q. Did you learn what you did learn at that number, or in some other place?—A. I stated I got the information from a lady that lives next door. She told me that he moved to Twenty-fourth and Carr streets about the first of December.

Q. You didn't go to the corner of Twenty-fourth and Carr and see Fitzgerald?—A. No, sir.

Q. And you never did see him ?—A. No, sir; never saw him.

Q. You took the statement of the lady living next door that he had lived there some time, and up to about the first of December ?—A. Yes, sir.

Q. That is all the information you have on that subject ?—A. That is all.

Q. Did you find John Giblin at 2315 Division street ?—A. I found that he moved away from there in the latter part of November to Spring and Cass avenue.

71 Q. You didn't find him there, then ?—A. I didn't go to Spring and Cass avenue to find him; no, sir.

Q. You didn't, then, see him at all ?—A. No, sir; not himself.

Q. And that is all the information that you have about him ?—A. What I gave here is all I have.

Q. Who did you get that information from ?—A. I got that from some one living in that house, I think.

Q. And they told you that their recollection was that he had moved from there some time in the latter part of November ?—A. Yes, sir.

Q. And that is all the information that you have on that subject, is it not ?—A. Yes, sir.

Q. Did you inquire at 2355 Carr street for John Beule ?—A. Yes, sir.

Q. You did not inquire there for Jerry, or Jeremiah, Beule ?—A. Had no occasion to inquire for any such man as that; I had no such name on my list.

Q. Then you didn't inquire for him ?—A. Certainly not.

Q. And do not know whether he lived in that neighborhood or not ?—A. I couldn't say.

Q. You learned that a man by the name of John Beule had resided there since last August ?—A. Yes, sir.

Q. In the rear of 2355 Carr street ?—A. Yes, sir.

72 Q. Did you inquire at 2335 Carr street for either John or Jerry Beule ?—A. No, sir.

Q. So then if a man registered by the name of John or Jerry Beule from 2335 Carr street you have no information as to whether that was the proper registration or not ?—A. No, sir.

Q. Did you inquire of Mrs. Lee at 515 Carr street for William Burns ?—A. I stated to you before that Mrs. Lee had recently moved to 513, right across—or rather next door; she formerly lived in 515 and kept a boarding-house there; she is keeping one now at 513. I went there and inquired for Mr. Burns, and learned that he boarded with her for some time and left about the first of December; moved away about that date.

Q. Did you find John Howard living at 616 Biddle street ?—A. I found Mr. Howard at 606. He had lived there.

Q. He had lived there, you say ?—A. Yes, he lived there some time ago; he is living now at 622.

Q. Did you make any inquiry for John Howard at 616 Biddle street ?—A. I think I did, and they told me he lived up at 622.

Q. But you gathered information that satisfied you that no man by the name of John Howard resided at 616 Biddle street on election day, did you ?—A. I presume it was merely a mistake—a typographical error of some kind or other; or rather, a clerical error of some one; the printer made a mistake, or else the clerk did.

73 Q. You saw him ?—A. I saw Mr. Howard in person.

Q. And you learned from somebody in the neighborhood of 1523

North Eighth street that John P. Foreman had moved from there some two months ago?—A. Yes, sir.

Q. And that is all the information that you have about him?—A. Yes, sir.

Q. Do you know who you obtained that information from?—A. From somebody in the neighborhood.

Q. But who you don't know?—A. No, sir.

Q. And you didn't learn what month he moved away in, or what day in the month?—A. I couldn't find out anything more than that he had moved some two months ago, as I stated before.

Q. You found a man by the name of John Finley residing at 2403 Biddle street?—A. Yes, sir.

Q. And found that he had lived there for several years?—A. Two years.

Q. Did you inquire at 2408 for a man named John Finley?—A. No, sir; my memorandum called for 2403; I don't presume I ever went to 2408.

Q. You know nothing about any man living there of that name?—A. I don't think I do.

Q. Who did you see from whom you elicited this information?

74 A. I don't remember now; but from somebody in the neighborhood.

Q. Did you see Edward Sheehy in person at 516 O'Fallon street?—A. No, sir.

Q. From whom did you get the information which you have reported here concerning that case?—A. I think I got that information from the grocery keepers in the neighborhood.

Q. And they told you that they thought Mr. Sheehy moved to that place last October?—A. Yes, sir.

Q. Why didn't you go to 516 itself and see Mr. Sheehy?—A. I just stated that there was a grocery on the place numbered 516, that I went in there and asked for Mr. Sheehy and they told me he had been living there since last October.

Q. Did he keep that grocery?—A. No, sir; I think he was clerk there.

Q. But you didn't see him?—A. No, sir.

Q. You didn't take that pains to ascertain whether it was in October or November that he moved there?—A. I told you that I had ascertained that he had moved there in October.

Q. That is, you got that information from some one in that grocery store?—A. Yes, sir.

75 Q. And you got similar information from some source for Tim Slattery?—A. Yes, sir; that he moved from 1249 Foster alley about two months ago; I got that in the neighborhood somewhere, in the rear there; I think it was 1211 I got the information from; I think they told me there that he moved away; I don't think there was any one living there.

Q. And that is all the data you have about him on your memorandum, is it?—A. That is all.

Q. And that is all that you know about him?—A. Yes, sir.

Q. Did you inquire for Michael Foley at 1225 Foster alley?—A. Yes, sir.

Q. Also for William Foley?—A. Michael Foley? No, sir; I inquired for William Foley.

Q. And you found that he had formerly lived there and moved away?

—A. William formerly lived here for a year, and moved three months ago. I think I got that from the parties residing in the same house.

Q. You didn't learn anything about a man named Michael Foley?—

A. No, sir.

Q. Is that a large house?—A. No, sir; it is a two-story house. I think; a little row of them there.

Q. But whether Michael Foley lived there on last election day you don't know?—A. No, sir.

76 Mr. DONOVAN. This M. Foley is all assumed by the counsel for the contestant—by this typographical contestant—who will insist upon taking advantage of a W and calling it M. He very well knows that Michael is an assumed name, assumed for the purpose of this examination, because it would be so very apparent to any one reading this record that this typographical contestant was seeking to misread a W for an M; that even his counsel hesitates to put the question in that form, but coins a name to fit their M.

Mr. POLLARD. This is just on a par with all the typographical errors which the gentleman has in this case for the purpose of holding his seat in Congress; he expects to hold his seat in this Congress on the votes of one man who votes both on the name of William Foley and Michael Foley; and if the other Foleys, and all the other gentlemen of the same nationality, be permitted to vote twice in the third Congressional district, he, said contestee, will undoubtedly hold his seat in Congress; but if Mr. William Foley is only permitted to vote once and not permitted to vote on the name of Michael Foley he certainly will be ousted.

Mr. DONOVAN. Inasmuch as the latter statement of the counsel for the contestant has no foundation in fact, to wit, that William Foley voted on his own name and then again on the name of Michael Foley, inasmuch as this is the purest of assumptions on the part of coun-

77 sel, I can only stigmatize it as made out of a whole bolt of cloth.

Mr. POLLARD. The fact of the matter is that we have no whole-cloth stories on our side of the house; we have no imaginations which carry us out of the realms of truth and evidence; we are plain, blunt men, and are endeavoring to keep to the exact facts in the case, and above all are endeavoring to prevent Mr. William Foley from casting two votes for the contestee in this case.

Q. Did you see Mr. William H. Wilson at 513 Biddle street?—A. Yes, sir; I saw Mr. William H. Wilson in person.

Q. At that number did you learn whether a man named William W. Wilson lived there?—A. I don't know; I didn't inquire for any William W. Wilson.

Q. You also found there John W. Wilson and John W. Wilson, jr.?—A. I don't know anything about any John W. Wilson and John W. Wilson, jr.; I know of J. W. Wilson and J. W. Wilson, jr.

Q. You saw all three of these Wilsons there, did you?—A. No, sir; I did not. I saw William H. Wilson, and he gave me the information I desired.

Q. Well, now let me see, what did you find in regard to S. H. Craffey, 915 Cass avenue; did you see him there in person?—A. I found that Mr. Craffey had moved about the 1st of December to 1814 Franklin avenue.

Q. Did you go to 1814 Franklin avenue to see him?—A. No, sir; I did not.

78 Q. Where did you get that information?—A. I got that next door.

Q. You didn't inquire, then, at 915 Cass avenue?—A. There was not any one living at 915; I was around there.

Q. And some woman there at the next door informed you that, according to her observation, Mr. Craffey had moved away from there last first of December?—A. The gentleman living there informed me of that; it was no woman at all.

Q. Now, did you make any inquiry for T. H. Craffey at 915 Cass avenue, or in that neighborhood?—A. I had no such name on my list.

Q. And made no inquiry for such a man?—A. No, sir.

Q. How large a house is 915 Cass avenue?—A. One-story house; sets way back in the yard.

Q. Is there more than two or three rooms in it?—A. I guess there is four rooms in it; it is a little house; probably thirty or forty feet wide, and it has got a door on this side, and a door on this side (indicating).

Q. And whether Mr. T. H. Craffey, who registered and voted from there last November, lived there on election day, and was entitled to vote, you have no information or knowledge?—A. I don't know anything about any T. H. Craffey.

Q. You found that some man by the name of Conaway had lived at 2307 North Ninth street, but moved away from there on the
79 twenty-ninth of December, did you?—A. Yes, sir.

Q. Where did you get that information from?—A. I got that from parties who lived in the rear there; it was a tenement house; I got it from the lady that lived next door when he lived there.

Q. Didn't she tell you that that man's initials were W. E.?—A. I asked her for W. E., and she said he had lived there.

Q. Didn't she tell you, if she mentioned it all, that there was some such man of the name of Conaway lived there?—A. I don't think that there was any "some such man" at all; I asked if W. E. lived there.

Q. How do you spell it?—A. C-o-n-a-w-a-y.

Q. Is that all the information you got concerning this Conaway?—
A. That is all.

Q. Of your own personal knowledge, you know nothing about it?—

A. No, sir; that is all I know, the information I have given you.

Q. Who did you find at 2702 North Ninth street?—A. I found Mr. William Boehe.

Q. How do you spell it?—A. B-o-e-h-e.

Q. Did you inquire or find any one living in 2702 North Ninth street?
—A. I think there was some other parties living there.

80 Q. Did you inquire if a man named Rohe lived there?—A. I did not.

Q. You did not make any inquiry for William J. Rohe?—A. I don't think I did.

Q. And whether he lived there or not you have no information on the subject?—A. No, sir.

Q. Did you inquire for William J. Roche there?—A. I don't think I did.

Q. You just made inquiry for Mr. Boehe, and that is all. Did you go in person to 2704 North Ninth street?—A. I don't think I did.

Q. Where did you elicit the information concerning Frank Williams?
—A. I think the number is 2706 or 2708, or something like that; it was a boarding-house, the way the gentleman told me about it.

Q. Is there any such number as 2704 North Ninth street?—A. I don't know whether there is or not; I presume there is.

Q. And you inquired at 2706 or 8?—A. Yes, sir; I think so.

Q. Did you inquire at 2704 or 8?—A. No, sir.

Q. And from some source you learned that he lived there on election day?—A. Yes, sir; I have no other information.

Q. Whether he came there before or after the election day, 81 whether he left before or after the election, you are absolutely in the dark, except as to the fact that he boarded there about election time?—A. That is all I could find out.

Q. Did you see A. L. Tiernan, 201 Ashley street, in person?—A. No, sir; there was a grocery store there on the corner, I went in there and inquired; the number of the grocery is 201; I asked if this man lived there; they said he had lived there, but moved to East Saint Louis some two months ago.

Q. And is that all the information you obtained in regard to him?—A. That is all.

Q. And from that information are you prepared to say now that he was a qualified voter from that number on election day?

Mr. DONOVAN. I object to that question, for the reason that this gentleman is not placed on the stand to pronounce judgment upon the qualifications of any voter; but he is placed upon the stand for the sole purpose to give information regarding the names of parties testified about by the canvassers and employes of the contestant.

Mr. POLLARD. The witness on the stand, I apprehend, is quite as able to form an intelligent opinion of this case as the contestee himself. He says he knew that he went into the third Congressional district for the purpose of ascertaining whether or not men lived in certain 82 places on election day; that he was to get that information for the purpose of testifying in this case; now, I want to know of him whether or not that man did live at 201 Ashley street on election day, and was a qualified voter; I mean from that place?

A. As to his qualifications, I know nothing about that; all the information I got I have given you.

Q. Every bit?—A. Yes, sir.

Q. You do not know that he was indicted in the United States court for fraudulently voting from that place, because he was not a resident of that place?—A. No, sir; I do not know that.

Q. That he plead guilty to that charge and was sentenced and punished for having done this wrong?—A. I don't know anything about it.

By Mr. DONOVAN:

Q. And you do not know that Mr. Pollard assumes all these facts, and cunningly weaves them into his question for the purpose of leaving some sort of an impression upon this record that such are the facts?—

A. I don't know anything about it in any shape whatever.

Mr. POLLARD. I object to that question because the counsel knows if the witness does not, that the allegations are correct, and they are part of the records in this case.

Mr. DONOVAN. The counsel for the contestee denies the fact *in tota*.

83 By Mr. POLLARD:

Q. You found a man named James Galvin living at 2201 O'Fallon?—A. Yes, sir.

Q. Did you inquire for Jerry Galvin?—A. I don't suppose I did; I inquired for James Galvin.

Q. And you found James Galvin?—A. Yes, sir; I found that he did live there.

Q. Notwithstanding the fact that your compeer and associate, Mr. Furay, made enquiry at the same place for the same gentleman, and swore upon this stand that no such man had ever lived there, but that there was a man living there by the name of Jerry Galvin; he, Mr. Furay, must have been mistaken?

Mr. DONOVAN. He testified that J. Galvin lived there.

Mr. POLLARD. He did not testify to any such thing.

WITNESS. I will state that I went there and asked for this party; that I saw Mr. Cleary, who keeps the saloon and boarding house; that he stated to me that this man's name was James Galvin, but that he was commonly called Jerry; but that his real name was James Galvin.

By Mr. POLLARD:

Q. But 2201 O'Fallon street is Paddy Byron's place, is it not?—A. Mr. Cleary, I understood, owned it; he is the man I got my information from.

Q. It is on the corner, is it not?—A. Yes, sir; it is on the corner.

84 Q. Corner of Twenty-second and O'Fallon?—A. Yes, sir; corner of Twenty-second and O'Fallon street.

Q. You say that that is Mr. Cleary's boarding-house, and not Paddy Byron's?—A. That is what Mr. Cleary stated to me.

Q. You found John Maloney, 2107 Division street?—A. Yes, sir.

Q. Did you inquire for a man named John Maloney at 2117?—A. I think I went in at the corner grocery store there on Twenty-first street, and asked for that man, if there was any man around in that neighborhood of that name, John Maloney, and they told me he lived right above there; I don't know who it was told me; it was some of the boys there; I saw Mrs. Maloney, and she told me he had lived there about six months.

Q. Whether there is a man named John Maloney living at 2117 Division you know nothing about?—A. No, sir.

Q. You only found one man named John Maloney in that neighborhood?—A. That is the only one I found.

Q. Did that man have any middle name?—A. I didn't inquire; I inquired for John Maloney.

Q. And whether this man who registered and voted on election day under the name of John Maloney, from 2117 Division street, was properly registered, and had properly a legal vote, you have only your private opinion?

Mr. DONOVAN. I object to the question, because the witness on the stand has stated just exactly where the man lived, and this

85 typographical contestant for Congressional honors seeks to take advantage of the difference between a 0 and a 1.

Mr. POLLARD. Now, the gentleman is remarkably funny about his typographical statements; all I have to say is if this typographical contestee desires to hold his seat by means of typographical frauds, I think he is just as far from being successful before this committee as he has been in his endeavor to prevent the unearthing and rooting out of these frauds.

Mr. DONOVAN. The contestant's counsel is growing desperate.

Mr. POLLARD. I apprehend it is necessary for some one to grow desperate if we expect to get through with this case in the next nine months.

(Question read to the witness.)

A. I don't know.

Q. You found a man named Charles Redfern at 2018 Division street?

—A. Yes, sir.

Q. Did you see him personally?—A. I saw Mrs. Redfern.

Q. And she told you that they had been living there since last May?

—A. Yes, sir; and formerly lived at 2019.

Q. Which place they had left last May?—A. Yes, sir.

86 Q. Did she tell you that her husband had voted in that precinct in which 2019 Division street is situated?—A. I never asked her any such question as that.

Q. And you don't know of your own knowledge?—A. No, sir; I don't know for a fact.

Q. Now, the information which you elicited, and which you gained in this canvass, was obtained, was it not, from all sorts of people, in all sorts of places, and in all sorts of ways?—A. I always tried to get it from the best source possible.

Q. For instance, you went to 1620 O'Fallon street, and inquired for John Smith, who was designated on your list as residing at 1622, and you found that he had moved three or four blocks away from there, some three, or four, or five months ago; did you then go to that latter place and try to corroborate the statement, seek to verify it?—A. I don't know of any man named John Smith at that number; I don't think I inquired for him.

Q. When you made inquiry for a man at any place who lived next door or two or three doors away from there, and some one told you that in December, or some several months ago, he had moved away from there to some other place, naming the place, three, or four, or more blocks distant, did you go to that place so designated by this person and inquire of the man himself how long he had moved?—A. In some instances I did; in some I didn't.

Q. I wish you would tell me in what instances you did it?—A.
87 I went to 1115 North 21st street, then I found that he had moved to another place, to 2221 Carr street, himself and his wife; I went there and saw his wife.

Q. How far are those two places apart?—A. Very nearly two blocks.

Q. Isn't that the only one in this whole examination in which you did follow up this individual to see whether the information you got about him was correct, as you had received it from others?—A. I don't know.

Q. That is the only one you can call to mind now, is it not?—A. I believe it is.

Q. And you are quite positive that you did not state in your examination-in-chief that you completed this work on or about the twenty-second day of March?—A. I don't think I did.

Q. Let me ask you one other question; whether or not you have been employed by the contestee or his counsel or any one associated with him or doing work for him as agent or otherwise in any other work, except on these lists, concerning which you have testified about to-day?—A. I believe that is all.

Signature waived.

88 Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Saturday, April 2, 1881, then to be continued at the same place at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 43.

Pursuant to adjournment, as above stated, on the 2d day of April, 1881, at the hour of ten o'clock in the forenoon, I continued the further taking of depositions as follows :

1 FRANK R. TATE, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit :

By Mr. DONOVAN :

Question. Your full name, please.—Answer. Frank R. Tate.

Q. Mr. Tate, were you employed for any purpose by me in this Sessinghaus-Frost controversy, and ; if so, about when ?—A. Yes, sir ; I was employed about the eighth of March.

Q. What were you engaged to do ?—A. To canvass the reports of certain letter carrier sand canvassers employed heretofore by the contestant.

Q. To ascertain whether certain persons reported as not living at certain places did or did not live there ?—A. Yes, sir.

Q. Did you examine the list of one Henry M. Brown or portions of it ? Mr. Brown is a letter carrier.—A. I did, sir ; I examined his list ; I examined certain streets which came under that head. They were copied from his list.

Q. This letter carrier reported that Thomas Henley, 1210 North Ninth street, never lived there ; what did you ascertain ?—A. I learned that he lived here on November fifth, and long before ; he is now moved.

Q. He contented himself with reporting in regard to John Harvey, 1223 North Eighth street, that that was a vacant lot ; does John Harvey live in that neighborhood ?—A. I found that he did ; he lives in that neighborhood.

2 Q. At what number ?—A. At 1239 North Ninth street.

Q. On the same block, and on this letter carrier's route ?—A. A few doors below. Number 1223 is a vacant lot.

Q. He gave a half a report in regard to Adam Ziegler, 1374 North Seventh street, contenting himself with simply stating that there was no such number ; did you find the gentleman living in that number ?—A. I found the gentleman living in that neighborhood ; he has lived for years at 1347, in the rear of his own property.

Q. It seems to be simply a typographical error in transposing 47 into 74 ?—A. Yes, sir ; that seems to be what is the matter.

Q. It is on this gentleman's route, going on Seventh street, and in that immediate vicinity ?—A. Yes, sir.

Q. Did you see the man who owns the property there ?—A. That is the way I understood it, from the occupants of the building.

Q. Do you know how long he had lived there ?—A. I didn't inquire as to the number of years ; but they said he had owned the property and lived there for years.

Q. This letter carrier had equal facilities with yourself for ascertaining that fact, if not a great deal better ?—A..I think he had, sir. They knew the letter carrier there very well. He had been in the habit of delivering letters to them, and they seemed astonished when I informed them that the letter carrier said he was not acquainted with them ; they knew him well.

3 Q. Well, the same letter carrier, Henry M. Brown, reported in

regard to John Groat, No. 1401 North Seventh street, that he moved in 1880; what did you find out on visiting his residence?

Mr. POLLARD. I want to ask a few questions in regard to the memorandum which I see the witness is using, and has been using in giving his answers to questions heretofore put to him by Mr. Donovan. (To the witness.) I see you have been reading from some memorandum which you hold in your hand; I want to ask you when that memorandum or writing was made?

A. The memorandum I am reading from now was made as a copy of the information I received at the time of making the inquiry; it is a memorandum copied from a paper I wrote, you know, as I received the information; this is a copy of that paper.

Q. When did you make this copy?—A. Within the last few days; I think I made it about the twentieth or twenty-fifth; somewhere along there.

Q. Of last month?—A. Of last month; some of it I made more recently; I didn't make it all at once.

Q. But no portion of that paper that you now read from was made on the spot and at the time you made this investigation and elicited these facts?—A. No, sir; not this memorandum that I am now reading from.

4 Q. Whatever became of the memorandum which you made at the time?—A. I presume Mr. Donovan has it.

Q. What did you do with it when you were done with it?—A. I handed it to the gentleman that employed me, Mr. Donovan, here.

Q. Mr. Donovan is the contestee's counsel in this case?—A. I believe he is, sir.

Q. And the testimony which you have heretofore given, and which you propose hereafter to give, concerning the names which he has, and he shall ask you about, is read from this copy which you now hold in your hand?—A. Yes, sir.

(I object to the use of the copy for the reason heretofore given in the examination of witnesses on this same subject, because it does not purport to be, and the witness swears it is not, a memorandum made at the time of making this investigation, but that it is a copy made from memorandum which was made long before the present paper was copied from it; we claim that under the rules and evidence it is not permissible for the witness to read from this copy answers to questions which the counsel for the contestee propounds to him.)

By Mr. DONOVAN:

Q. When you obtained the information you made a note of it under the name at the time you received such information?—A. I did, sir; on the spot, too.

Q. And this paper which you now hold in your hand is a copy of that information so received?—A. Yes, sir; it is, sir.

5 Q. You divided these lists not according to names, but according to the streets?—A. Yes, sir.

Q. For the purpose of facilitating the work?

Mr. POLLARD. I object to that question, because it is leading, and because it is a simple direction to the witness how to answer the question.

By Mr. DONOVAN:

Q. Please state for the benefit of this sensitive gentleman here just exactly how this work was done.—A. Mr. Donovan gave me the lists of the different letter carriers and the canvassers—that is, some of them that

testified in Mr. Metcalfe's office; I took those lists and arranged all those lists according to streets—say, like Twenty-first street, or Ninth street, or any other street; that is, I would take these several lists and take out of each one of them all the names that were on Seventh street; then next I would take out of all these lists all the names of people addressed on Ninth street, and so on for each street; I would put each street on a separate piece of paper.

Q. No matter whose list it was?—A. No, sir; no matter whether letter carrier or canvasser. I put them all under one heading; if there were any on Eighth street I would put them on that piece of paper laid aside for Eighth street; the same way with any avenue; then opposite the number and name of the person I was looking for I would place the number of the page of this gentleman's report—whoever made the report for the contestant—so that when I returned with my report I could turn to the copy of the list of this gentleman, and write my information right under his name, and it was on this sheet that I made these notes.

Q. And this writing here is the original notes you made under the name of the gentleman who made the report for the contestant?—A. That was my mode of operations.

Q. And this is the copy of the original memorandum, and is only placed in this shape for the purpose of facilitating this examination?—A. That is the reason it was done, sir.

Q. Now, he reports that John Grady, No. 1401 North Seventh street, moved in 1880; what is the truth in the case?—A. He lives there now, and has for eight months; he lives in the rear, upstairs; it is right in the rear of a big court; he lives there at the present time.

Q. In order to find favor with his employers, he moves Thomas Welsh, of 1319 North Eighth street, away from his residence some seven months ago. What did you ascertain?—A. He lived there a long time, and moved the last of November.

Q. He then didn't move seven months ago?—A. No, sir.

Q. He moved after the election?—A. He moved after the election, and the parties on the premises told me that he had a right to vote there—at least that was their opinion.

Q. Well, he reports John Walsh, of 1327 North Seventh street, in a similar manner; what did you ascertain?—A. He lives in the alley, in the rear of this lot, and has for a long time; there is a house in the rear, on the alley.

Q. Well, this same letter carrier, although traveling that route for years, reports as not found Peter Gibbons, of 1327 North Seventh street; does he live in that neighborhood, or is there just a mistake in his number, on the same block?—A. Peter Gibbons lives at 1320 North Seventh street, and has for over three years; this is a mistake, in my opinion, of the clerk in transferring these numbers in the recorder of voters' office.

Q. He just made an 0 instead of a 7?—A. Yes, sir; he made an 0 into a 7.

Q. You say the gentleman has been living there for three years?—A. He has lived there for three years.

Q. Right on this same block, and on this letter carrier's route?—A. Yes, sir; directly opposite the number as it was given him. He lives upstairs, on the left side of the hall.

Q. If you found him, the letter carrier had equal facilities for finding him, if this man had been living there for three years?—A. He told me that the letter carrier did know him; he wanted to know if there was a

letter for him; I told him that a letter had been sent to him, and that the letter carrier had looked for him, and had reported that he couldn't find him. He said, in his opinion, the letter carrier was a liar.

8 Q. You saw the gentleman himself, did you?—A. I did, sir.

Q. Well, working under this same piece of iniquitous machinery, he reports as not known Moses Shelt, 1321 North Seventh street; is he known or not known there?

Mr. POLLARD. I object to that statement because the gentleman sees fit to characterize the Government of the United States as iniquitous, and for the reason that he sees fit to characterize the Post-Office Department as iniquitous, and for the reason that the gentleman sees fit to characterize anything and everything, unless it is branded and stamped with the name of Democracy, as iniquitous; that everything he sees in looking through his Democratic goggles is iniquitous, and is stamped with fraud or perjury.

Mr. DONOVAN. The postal authorities here now agree with the contestee's counsel that the whole proceeding was iniquitous, and, as stated before in these depositions, are anxious to clear themselves of the stain that has been put upon them, by instructions given to letter carriers to assist this contestant in his typographical case, and reporting as not known people who are well known, and as reporting as "no such number" when people lived next door for years.

Mr. POLLARD. It is not true, and I believe the gentleman well knows that it is not true, that the postal authorities or any member of
9 that department, or any functionary, or any officer thereof, is ashamed or sick of any work which their employes did in assisting to ferret out the frauds perpetrated by the contestee and his strikers in the election last November; it is not true that any of these post-office employes reported that they could not find any man whom they could find; they were asked whether or not they offered at a particular number a letter addressed to a particular individual, and when in answer to such question they said that no such individual lived at that number, they answered the whole question and all the question that was put to them concerning such individual; and the witness on the stand so far this morning has corroborated in every single instance the testimony of the letter carrier. The letter carrier when he approached 1328 North Eighth street, or when he was inquired about concerning his offering a letter addressed to John Walsh at 1328 North Eighth street, simply answered that he did not deliver such letter; that there was no such man as John Walsh or John Welsh residing there; now, this witness comes on to the stand and says this same thing; that John Walsh does not live there at 1328 North Eighth street, but that a John Walsh does reside at 1327 North Seventh street; the record in this case shows that John Walsh voted from 1327 North Seventh street, that on election day he went to the polls and after having so voted, he turns around and is registered on that day and again votes from 1328 North Eighth street; that both of his ballots were counted for the contestee in this case, and the contestee now is seeking to establish his
10 seat in Congress by means of just such frauds as that; and it a well-known maxim that the thief is always the loudest to cry out against the law.

Mr. DONOVAN. The statements of the counsel for the contestant are so silly and so utterly untrue that we cannot waste any time in replying to the same, but must hurry on with this examination; the record will bear me out in just exactly every word that I say, and will cover the contestant's counsel with confusion when the record is examined.

Mr. POLLARD. The contestant's counsel has thoroughly read and examined the record as well as the counsel for the contestee; and if the counsel for the contestee had read it right and read it as it is, he would never ask any such questions as these, unless he is trying to beat his own client, for the testimony which this witness has given this morning, corroborates absolutely and totally the testimony of the letter carrier about whom this witness is now testifying.

Mr. DONOVAN. I shall be happy to assist the contestant's counsel in the manner in which I am now doing it; if he is pleased with my work I am delighted, and he ought not to be expressing so many objections, if the work I am doing now suits him so perfectly, for it certainly suits me.

Mr. POLLARD. I made no objection to the work of the gentleman; I only object when the gentleman says here in the questions which he puts to the witness things which are not true, and which the
11 record from beginning to end shows are not true.

By Mr. DONOVAN:

Q. He reports Moses Shelt as not known in the neighborhood of 1321 North Seventh street; what did you find out and what is the absolute truth in the matter?—A. That Moses Shelt, of 1321 North Seventh street, lived there for a long time, and moved about four weeks before my examination.

Q. Which was several months after the election?—A. It was between the eighth and sixteenth of March.

Q. Of this year?—A. Of this year; yes, sir.

Q. He seeks to deprive, by the same iniquitous means, John Maher, of 1328 North Seventh street, of his vote, and therefore reports him not known; now, does he live there or within a few doors of it, or was his number another typographical error on the part of somebody?

Mr. POLLARD. I object again to the question because of the now apparent and determined course of the counsel for the contestee to endeavor to blacken and break down and slander the character of the witness which the contestant put upon this stand, when the record discloses that the witness testified to the truth, the whole truth, and nothing but the truth, of his own knowledge; when the record discloses the fact that the letter-carrier has been perfectly familiar with the locality of the
12 individuals residing in that locality for many years; and when this witness himself swears and has sworn this morning that that letter carrier did have greater facilities for knowing these people, and greater facilities for ascertaining these various facts than the witness on the stand.

Mr. DONOVAN. It is for that very reason that he had greater facilities and abused them to the extent that will undoubtedly be proved in this case, that makes his conduct all the more criminal, and his report all the more worthless. (To the witness.) Is John Maher known or not known in the neighborhood of 1328 North Seventh street?

Mr. POLLARD. I object to that because it is totally and wholly irrelevant and immaterial. No witness whom we have put on the stand has ever sworn that he was not known in that neighborhood; the only testimony was that he did not reside there at the time he offered this mail, and that he had not for some time prior thereto resided at 1327 North Seventh street.

A. John Maher lives at 1320 North Seventh street, and has lived there for three years. There is no other John Maher in the neighborhood, and never was.

By Mr. DONOVAN :

Q. That was your information ?—A. Yes, sir.

Q. The letter carrier had equal facilities for finding that out; in fact a great deal better than you had ?—A. I don't think the letter carrier made the examination into this matter that I did. I think the letter carrier made this report of this matter at his home or in his office; if he had gone there he would certainly have found him there; he would have been directed there to him at his residence.

Q. Well, in his endeavors to make a case for this contestant, with all the facilities of finding out who lived on his route, and knowing who lived on his route, he seeks to deprive Martin Grady of his vote by reporting him as not known at 1423 North Eighth street; what was the truth of that matter?

Mr. POLLARD. I object to the question because the testimony of the letter carrier on the stand was emphatically that at the time he made the inquiries, and at the time he made this report, he knew nothing whatever of the object of that report; that these letters or circulars were placed in his hands, and he reported upon these individuals whom I did report upon in his testimony without knowing the purport, and, in fact, that he was under the impression obtained from some source that he was getting information for a person making a directory of the city; that he was not partisan in politics; that he did not care or strive whether this succeeded or not.

Mr. DONOVAN. If the gentleman—the counsel for the contestant—will find in the record what he here now states, I will give him a champagne dinner.

Mr. POLLARD. The only reason that I don't accept that challenge that I apprehend the contestee is not able to give so many champagne dinners, and I don't desire to have any headaches in mine.

14 The WITNESS. This man lives at 1423 North Eighth street, and has about two years; he lives in the rear, upstairs.

By Mr. DONOVAN :

Q. He is known there, is he not ?—A. Yes, sir.

Q. And it is likely if a man lives at a place for two years and can be found by a party who is not a letter carrier, it is likely that the letter carrier, who is traveling the route every day and has for years, would be able to ascertain whether he is known or not ?—A. He told me that the letter carrier had delivered him letters from the time he first moved there; that he had registered properly, and that he would prove it.

Q. And the letter carrier knew him and had been delivering letters to him ?—A. Yes, sir; the letter carrier knew him and had been delivering letters to him ever since he had been there. I saw the gentleman himself; he works at Mulhall's pork house on the other side of the river.

Q. Did he know that that letter carrier had reported him as not known ?—A. I explained to him my object in calling.

Q. Now, to show the perfect disinterestedness of this letter carrier in this cause, and as the counsel for the contestant say it was for the purpose of obtaining an accurate directory of the city of Saint Louis, and for no political purpose, which purpose, however, the letter carriers confessed on cross-examination, this disinterested gentleman reports Job Claxton, of 1415 North Eighth street, as not known; now, you tell us how far he departed from the truth in that statement?

15 Mr. POLLARD. I object to that question, because it is a perversion.

sion of the testimony of the letter carrier in this case; his testimony, and the gentleman well knows it, was simply that he did not find John Claxton at that particular number; and the further testimony in this case is that some man gave the name of John Claxton on the day of election, registered on that name, and voted for the contestee on that name and on that number.

Mr. DONOVAN. Does the counsel for the contestant say that the letter carrier swore to any such facts?

Mr. POLLARD. I say that the letter carrier swore to this and to nothing else; that he offered to deliver a letter to John Claxton at 1415 North Eighth street, and that no such man resided there.

By Mr. DONOVAN:

Q. Now, does he reside there or not? I will ask you that, Mr. Witness.
—A. Mr. John Claxton is living there and has been living there for twenty-three years.

Q. He is known in the neighborhood, is he not?—A. He is well known; he is an old gray-haired man; I saw him myself; he told me he had been living there, and voted for Mr. Frost; he took great interest in the matter, and came out and asked me all about it, because
16 he said it was infamous, he thought, to treat men in that way.

Q. Then, if Mr. Pollard, the counsel for the contestant, is correct in his statement, Mr. John Claxton, this gray-haired gentleman, who lived there for twenty-three years, lied or the letter carrier lied?—
A. One or the other.

Q. John Claxton seemed to you to be an honest old gentleman?—A. Yes, sir; and he said that he could lick any letter carrier that said that he didn't live there or that he was not known there.

Q. He was incensed at this report?—A. He was riled. He had his "Irish" up.

Q. Well, the same gentleman reports as not known John Dowling, at 1417 North Eighth street; what is your report?—A. John Dowling, of 1417 North Eighth street, lives there on the second floor; and his landlord said that he had lived there for a long while, and, in his case, had a right to vote.

Q. Well, he was known there?—A. Oh, yes; he was known there; living on the second floor, and had been for a long while.

Q. Well, in bolstering up this case by typographical errors, as well as by perjured testimony, he reports as not known Martin Ward, 713 O'Fallon street; what did you ascertain?

Mr. POLLARD. I object to that because it is an assumption on the part of the contestee that the contestant is bolstering up his case by fraud and perjury, and because it is an attempt on the part of the
17 contestee to have this individual witness swear to that state of facts, and because of the willingness of the witness to assent to all the propositions made by the counsel for the contestee in this case.

Mr. DONOVAN. I simply asked the witness was that man known or found there or not, and that is all I am asking him now. I am simply contrasting the report made by the letter carrier and the report made by this witness. This witness knows nothing as to what the letter carrier reported.

A. My report is that Martin Ward, 713 O'Fallon street, lives in the rear of that building for many years.

Q. So he is known there, is he not?—A. He is known there; yes, sir.

Q. He is also reporting on the name of James Gallagher, 1309 North

Seventh street, and although he is right on his route he attempts to deprive him of his vote. What is your report?—A. I find that James Gallagher lives in the rear of 1309 North Seventh street, and has for years, so his daughter informed me—a young lady who came there and spoke with me. The house faces on the alley.

Q. The gentleman could have reported him as living in the rear of 1309 North Seventh street, if he had seen fit to do so?—A. It is on the lot; the building is right on the alley. The people in the front of 1309 North Seventh street knew him well, and directed me to where he was living.

18 Q. Now, turn to the report of Letter-carrier S. S. Allen, so far as you were engaged on that. This gentleman reports Frank Edgett, 28 North Market, simply that there is no such number. What did you ascertain in regard to that matter?—A. I found that Frank Edgett, of 28 North Market street, boarded with H. Schomberg, Second and North Market, on the southeast corner; the number is about 228. I further find that he went to Colorado about January 10, 1881, but lived at this place a long time previous to his departure.

Q. The extra 2 is left off the number?—A. Yes, sir; there is no 2 to the 28; it is about 228. In leaving he forgot several things—things which he left in Mr. Schomberg's care. One of these was his board-bill.

Q. Well, he doesn't find Richard Burrigan, northeast corner Main and Madison. What did you ascertain?—A. He moved away about March 1, 1881. The house has been torn down to make room for the chair-factory. I believe he lived there for many years. Michael Cary was the contractor that was making the excavations. I saw him about this number that Burrigan used to live in, and he told me that house was torn down about March 1.

Q. This letter carrier entirely annihilates James Gerretty, 2219 Broadway. What did you find out?—A. James Gerretty lives in the rear, upstairs—or rather he lived there up to the 10th of November, or the 11th of November, 1880, and has since moved.

Q. You have some names on Benjamin F. Cooper's report. He was another letter carrier, and he, in accordance with his instructions, moved, some years ago, Thomas Cullen, 1023 North Fifth street. What did you find in regard to the gentleman?—A. 1023 North Fifth street—Thomas Cullin; he lives with H. Gruenewald, one of the judges of election in precinct forty; the Republican judge. He lived there a long time before the election, and after the election.

Q. Well, intimating that there is no such party as William Oorwin, 1108 Broadway, he contents himself with simply reporting that it is a store. Now, what are the facts in the case?—A. The fact is that he lived there on election day, and the house has been burnt down since.

Q. Well, he makes the same biased and perjured report in regard to G. H. Schlaman, of 1112 Broadway, contenting himself with stating, "Why, gentlemen, that is a restaurant." What did you find out?

Mr. POLLARD. I object to the question, because it is a statement to the witness (and for what purpose he makes it I know not), that the witness Cooper is a perjurer and a prejudiced witness, whereas the facts in the record disclose that he is an impartial witness, an unprejudiced witness, and the counsel for the contestee well knows it.

A. According to my information he lived there on election day; but since then the house has been burnt down.

By Mr. DONOVAN:

Q. That is the neighborhood of that other house, 1108 Broadway?—

A. Yes, sir; 1108, 1110, and 1112 all burnt at the same time, at the same fire.

20 Q. They have burnt since the election day?—A. Yes, sir.

Q. Well, Edward Owens, another letter-carrier, reports in regard to Edward N. Smith, 3605 North Tenth street, and is minute in his information that the man moved away from there on the first day of November, which was the day immediately before the election. What have you got to say in regard to that convenient report, which destroys the franchise of a voter?—A. I find that Edward N. Smith lived at 3605 North Tenth street for years, but moved three months previous to my examination.

Q. Which was this last month of March?—A. Yes, sir.

Q. He moved some time in December, probably?—A. Latter part of December or first part of January, as I understood it.

Q. You have, on one of your streets, the name of T. D. Morrison, Eleventh between Hebert and Davis, reported on by B. E. Whetmore, a letter-carrier, that he had moved away from there before November. What is your report?—A. According to my information T. D. Morrison lived there for years, and up to three or four weeks after the election.

Q. Brant Hutt, another letter-carrier, moves William E. Heffernan, 1103 North Seventh street, over a year ago. What is your report?—

21 A. I find that William E. Heffernan lives at 1103 North Seventh street since the fall of '79; the gentleman that he lives with told me that he saw Mr. Heffernan shake hands with the letter-carrier on the morning of the day that I went to see him, the day that I made my examination.

Q. So the letter-carrier then very likely knew him?—A. He works in a store a little below his residence, a whisky shop or grocery store; the letter-carrier was well acquainted with him, and this gentleman seemed astonished and didn't know what to make out of it; couldn't understand why this letter-carrier shouldn't know him, and was rather reluctant about giving any information.

Q. The same letter carrier reports as not found, Jere Kielly, 1030 North Seventh street. What did you ascertain in relation to that party?—A. I found that Jere Kielly, 1030 North Seventh street lives at that number, on the second floor, since the 12th of March, 1880, and lives there at the present time.

Q. Another letter carrier, by the name of William H. Cobb, reports in regard to Frank Tengenal, 214 Mound street, that there is no such a number, and stops there. What is your information? How does the gentleman spell his name, and where does he live?—A. There is no Mr. Frank Tengenal. I saw a gentleman who spells his name somewhat similarly; he spells it Tenguagel; he further told me that when he went and registered he did not think that the clerk got the manner in which he spelt his name; didn't get it in the proper way; he lives at 224 since the first of November.

22 Q. That is on this letter carrier's route?—A. Yes, sir.

Q. On the same block?—A. Yes, sir; it is a typographical or clerical error in both the name and residence.

Q. Did he know the letter carrier?—A. He said he had letters delivered to him.

Q. He reports Patrick Haney as not known at 1528 Broadway. What is the typographical error there?—A. They made the Henry, Haney. Pat. Henry lives there, upstairs, and has lived up there for a long time.

Q. Did you see the gentleman?—A. No, sir; I saw a lady who

gave me this information, who lives next door to him, I believe, upstairs.

Q. Now, one of General Hardwig's awkward squad, by the name of Charles R. Woolf, testifies in regard to Thomas Burns, at 1488 Broadway, that he is not well known about there. What did you ascertain in regard to that party?—A. I found that Thomas Burns boarded at the Columbia House, 1448 Broadway, on the day of the election and after, and one year before; they have made an 8 a 4, in my opinion, when they transcribed those lists.

Q. Well, Dan Hawley, 1318 Broadway, he says left there two years ago. What is the truth of that matter?—A. Dan Hawley, 1318, Broadway, boarded there six months before the election day; was there on the election day, and only moved a few weeks afterwards.

23 Q. Mr. P. H. McCarthy, according to this interesting gentleman, never did live on the corner of Broadway and Cass avenue. What have you got to say about that?—A. I found that P. H. McCarthy is a watchman at the Columbia House, on the southeast corner of Broadway and Cass avenue. It is No. 1448 Broadway; he lives there, and has since long before the election; he is watchman at that house.

Q. He reports Richard Thornton 1540 Broadway. What did you find out about the gentleman?—A. Richard Thornton, 1540 Broadway, lives there, and has for years. This place is Reilly & Woolfert's stables. He is a hand in the stable. Mr. Woolfert informed me that this man had been with him for a long while; that he slept in the place, roomed above the stables, and was constantly on the premises. That he had a right to vote, and that he would like to know who dared to prove otherwise.

Q. Well, he says that Den. O'Hara, 212 Howard street, does not live there. What did you learn in relation to that party?—A. The only Dennis O'Hara that I can find living there, or living in that neighborhood, lives at 223 Howard street, and has for four years.

Q. He makes a report on J. A. Martin, 1540 Broadway. What is your testimony?—A. Mr. Woolfert informed me that he lived there, and has for several years. That is also Reilly & Woolfert's stables. He also made the same statement about his vote that he did in reference to Richard Thornton's vote.

Q. Now, how about L. W. Mathews, of the same number, 1540 Broadway?—A. Mr. Woolfert gave me the same information as to L. W. Mathews. He lives there and has for years.

Q. They are all employés of that stable, and living there?—A. Yes, sir; it is necessary that they shall be there, because there are a great many head of horses on the premises that have to have constant care and attention; and to make it convenient these men live over the stables, and have rooms furnished for them.

Q. Well, it appears, according to his report, that John Lyon, 1824 Broadway, did not live there. What did you find out?—A. John Lyon lived there up to December 1, 1880, and afterwards moved to Washington avenue. I couldn't ascertain the number of his residence on Washington avenue.

Q. Well, after a thorough canvass of the neighborhood, in order to be precise in his testimony, he says that Fred. J. Brennan does not live at or in the neighborhood of 217 Mullanphy street. Where does he live?—A. Fred. J. Brennan lives at 219 Mullanphy street; lived there before and after the election.

Q. This is another of those great typographical crimes where the 7 is written like the 9, I presume?—A. It is, sir.

Mr. POLLARD. I object to that statement, because the records show, point blank, that a man named Fred. J. Brennan registered on election day and voted from 217 Mullanphy street, and cast his ballot for
 25 men, who would, under no circumstances, have two ballots by one man from that number, and the man after that again registered and voted from 219 Mullanphy, and both of these ballots were cast for the contestee in this case.

Mr. DONOVAN. This is another of those objections made out of whole cloth, and I cannot stop to take notice of them. (To the witness.) Well, according to his report, James Crowell does not live at 519 Mullanphy street. How does that gentleman spell his name, or does any man of a name similar to that live in that neighborhood?

A. His name is James Connell; but they had his name spelt James C-r-o-w-e-l-l; no man of this latter name ever lived there in that house, or in that neighborhood; but the lady that gave me the information stated that James Connell lived at 219 Mullanphy street since April, 1880, and died three weeks ago; died about March first.

Q. According to this gentleman, Pat. Farrell, 211 Mullanphy street, never lived there. What is your report?—A. Pat. Farrell; he lived at 211 Mullanphy street from September 1, 1880, till December 25, 1880, about Christmas.

Q. John C. Danford appears to have been moved in March from 204 Howard street, is that true?—A. John C. Danford lives at that place, and has for four years. It is 204 Howard street. I understood you to say Mound street. It is 204 Howard street.

By Mr. POLLARD:

Q. He does not live at 204 Mound street?—A. No, sir; 204 Howard street.

36 By Mr. DONOVAN:

Q. Well, the typographical assistant, in this typographical case, makes a report about C. W. Berkenmeyer of 900 Mound street, how does that gentleman spell his name?—A. He spells his name Charles W. B-u-r-k-e-m-e-y-e-r, and lives at No. 900 Mound street since October 1, 1880, upstairs.

Q. So the n in the middle of his name was left out?—A. It is not only the spelling, but they made a u out of an e, and they put in a letter n that had no business in the man's name. His name is Burkemeyer; they have changed the u to an e and made it Berkenmeyer.

Q. Did you see the gentleman?—A. I saw the party that keeps the house.

Q. He moves away, one year ago, Theodore Shelby, 2608 North Eleventh street; what was the result of your inquiry?—A. Theodore Shelby has lived there, and has for one year; he is living there at the present time.

Q. His report is "Not known here" in regard to C. E. Evers, 2621 Broadway, what is your report?—A. He lived at 2621 a long time; he boarded there a long time after the election; that is the Montgomery House.

Q. The Montgomery House is 2621 and that is his place of residence?—A. Yes, sir; 2621 Broadway is the Montgomery House. He has lived there a long time both before and after the election. He has never moved away.

27 Q. He moved, at a convenient time, Mike Conner, 3709 Broadway; what did you ascertain?—A. Mike Conner lived there a

long while, until after the election, and six months before; he boarded with Mrs. Mayland.

Q. The young man's fancy turning lightly to spring, during that pleasant season of the year, he moves John Hage from 1425 Broadway; what did you ascertain?—A. I found that John Hogue (as they pronounced it,) boarded there one year, and moved about the first of December, 1880.

Q. It has something to say in regard to one Mike Gormley; what is your report in regard to the one that lived at 3712 Ferry street, the report in regard to him being that he moved in September last?—A. I find that Mike Gormley lived at 712 Ferry street; that he lived there for ten months. They have put in an extra 3.

Q. So there is simply a mistake in putting a 3 before the 7?—A. Yes, sir; they had put a 3 before a 7.

Q. Well, this typographical assistant, in this typographical case has some report in regard to Thomas Fay or Thomas May, of 221 Howard street; he says that he moved from there about five years ago; what do you say?—A. His name is Thomas May; they have changed the M into an F; Thomas May lives there, and has lived there for eight or nine months.

Q. Proceeding in their typographical campaign, he reports that John Dorsey does not live at 2223 North Tenth street; what is the typographical difficulty there in that case?

28 Mr. POLLARD. I object to that question, because it is an assumption on the part of the contestee that the contestant is taking advantage of typographical errors, which he said contestant should not do; when the facts that have been disclosed by the record show that the partisans of the contestee in their inordinate and fraudulent attempt to bolster up his case, and elect him to a seat in Congress, in a district in which his party was in the minority, not only took advantage of all typographical errors to get themselves registered and voted from two to ten times each in many cases, but also took advantage of all the vacant lots, and of dead men's names in that district, in order to poll a large vote.

Mr. DONOVAN. To show the confidence that is to be placed in Mr Pollard's statements that this is a Republican district, it is only necessary to refer to the record for the figures on which Mr. Frost was elected the last time, his majority then was 1,900 in this "Republican" district.

Mr. POLLARD. The election in the fall of 1878, in that district, showed that Mr. Frost was in a minority of over 2,000 votes, and the gentleman well knows it; and his statements that the contestee had a majority of 1,900 is about on a par with his previous statements.

By Mr. DONOVAN:

Q. I was asking the witness about John Dorsey; please inform me of the typographical features in that case?—A. I found that
29 John Dorsey lives at 2023, upstairs, in the rear, and has for two years, according to the information given me by his wife.

Q. The difficulty there was in making the 0 look like a 2?—A. Yes, sir, apparently. There has no John Dorsey ever lived at 2223. This is the only Dorsey that lives in that neighborhood. I have lived in that immediate neighborhood there for some nineteen or twenty years, and I find that I don't remember a man of that name living at that place.

Q. But you did find him living at this other place that you have mentioned?—A. I found him at 2023 North Tenth street, in the rear,

and he had lived there for two years. It is over Blumeyer and Finke's grocery store. The professor here knows where that is.

Q. What professor here?—A. Professor Wieselmann.

Q. Well, proceeding further in this typographical campaign, he reports as not known, or rather not living at that place, 3404 North Ninth street, one Thomas Morris; what are the typographical features of his case?—A. Thomas Morris lives at 3407 North Ninth street, and has for two years.

Q. And the difficulty there was in changing a 7 into a 4?—A. Yes, sir, that was the trouble: changing a 7 into a 4.

Q. Now, John A. Hyderushes into the breach, and reports that Henry Froelich, of 1102 Broadway, did not live there on election day; what is your report?—A. Henry Froelich, alias Shoo-fly, lives at 1102 Broadway now, and has for years. It is a boarding-house, and belongs to Cavanaugh's saloon.

Q. What report do you make in regard to Frank Foster, 1318 Broadway?—A. He lives there, and has for years, according to my information.

Q. James Haine, 223 Howard street, is reported by him as not found; what are the typographical features in his case?—A. James Haine; the name is James O'Hara; he lives there, and has for years.

Q. There is not any James Haine there?—A. No, sir; he never lived there. When I suggested this name to the lady she said, "That is my son's name; they have misspelt his name; James O'Hare is his name." He is a brother of Dennis, or a son, I don't know which.

Q. What are the typographical features in regard to Mike Byrne, 1411 North Seventh street, reported on by this veracious gentleman?—A. I find that this name is Mark Byrne; he lives there since September 1, 1880. This was the information I got from the lady of the house. She also stated that the letter carrier knew him well; that they had had some trouble with the letter carrier at first, but of late they have not had any difficulty.

Q. What is your report in regard to Louis Sweeney, 1438 North Seventh street?—A. I found that Louis Sweeney moved in February, 1881, and lived there seven months previous to the time of his removal.

Q. In order to get and give full information, they can get it down as fine as precinct boundaries; so this man reports that Peter Gibbons, of 1327 North Seventh street, voted in precinct No. 43, while he really lived in precinct No. 50; what have you got to say about that?—A. I find that Mr. Peter Gibbons comes in also under some other gentleman's report—I think it was a letter carrier—when you asked about him before; at any rate, he lives at 1320 North Seventh street, and has for years.

Q. The 0 and the 7 are again mixed up there?—A. Yes, sir. This case has been once spoken of before; it comes under two headings.

Q. He also reported that Edward Murphy, 1418 North Seventh street, couldn't be found; did you call for the gentleman?—A. He lives at 1418 North Seventh street, in the rear, upstairs, since October, 1880.

Q. In order to earn his blood money, he reports William Horan, 1227 North Seventh street, as not living there on November 2?

Mr. POLLARD. I object to that question, for the reason that the gentleman is assuming that the witnesses which the contestant has put on the stand are in the receipt of blood-money, like the witnesses of the contestee; it is an unfair assumption.

A. I find that William Horan lives at 1227 North Seventh

32 street; lives there in the rear, upstairs, and has lived one year.

By Mr. DONOVAN:

Q. So he didn't move on the 2d day of November?—A. N lives there at the present time; the gentleman can be found earnest search on the part of anybody.

Q. Now, you had a few names of Lawrence J. Manning, the the blue spot under his eye and the other on his nose, and the man states that Michael Shallow, of 1235 North Fifth street seven months ago; what is your report?—A. Michael Shallow that place on, before, and after the election; boarded with La Saint Lawrence Hotel; lived there one year in all—that is, to Mr. Lauff's information.

Q. What is your report in regard to Michael Grady, 12 Fifth street?—A. Michael Grady lived in the rear of 1225 on day; he was afterwards moved to Seventh street.

Q. Well, this same ornament to society reports as not known Brodley, 1237 North Seventh street; what is the truth in him?—A. I find that they have changed the 9 to a 7 in this case John Brodley lives at 1239 North Seventh street, upstairs; at eight months.

Q. After a careful, cautious, diligent, honest, and conscientious such as this gentleman made, could he or could he not likely have found out something about him in that neighborhood?—A. I inquired of my neighbors, and was directed to his home.

33 Q. How far is 37 from 39?—A. The next door; they next door.

Q. So Mr. Brodley is known there?—A. He has lived there months; I presume he ought to be well known.

Q. With a degree of liberality, alike creditable to his head and heart, he moves, one year ago, R. W. Higgins, 1229 North Seventh street, what is the truth of that matter?—A. R. W. Higgins lived at 1229 North Seventh street, but moved on January 1, 1881; according to my information, he was there before and on election day.

Q. Some relative of his, by the name of Martin Higgins, is known by the same gentleman as not known there; what did you find in relation to that gentleman?—A. Martin Higgins is the son of the other Higgins; lived at 1227, and moved about the same time that R. W. Higgins did, in January, 1881; the 1st, I believe.

Q. He moved about two months after the election?—A. Yes.

Q. And was known there?—A. Yes, sir; he was known to the neighbors at that time.

Q. Francis Krauss reported in regard to C. N. Lester, at 35 West Third street, that he had moved; what is your information?—A. I know C. N. Lester lived there on and before the day of the election; three months ago, he moved from 3705 Broadway (where he had lived) to West Saint Louis; the correct location of his house in West Saint Louis I couldn't ascertain, but it is in the western portion of the city.

34 Q. Mr. Tate, did you exercise, in eliciting this information, extreme care to get your work absolutely correct?—A. Yes, I call it so; I was very careful, and made a diligent search.

Q. Do you regard your information as accurate, or otherwise?—A. I do regard it as accurate.

Q. You think these other gentlemen that were employed by the State testant could have found out all this information as readily as

—A. If they had made the same search as I did I think they ought to find it out. I was very careful and made a diligent search, and if it was in my power I saw the man myself—saw these parties personally when I could; if I couldn't see them in person I went to their relatives, and so on.

Q. And in many cases you had very little difficulty in finding them ?
—A. Very little; they all knew them in the neighborhood, or knew of them; after I had gained all the information I could in the neighborhood I would go to the house.

At this point a recess was taken until 1.30 p. m.

AFTER RECESS—1.30 p. m.

Cross-examination by Mr. POLLARD:

Q. Mr. Tate, where do you live ?—A. I live at 918 Benton street.

35 Q. How long have you lived there ?—A. Since 1876.

Q. How old are you ?—A. I will be twenty-two next January.

Q. What is your business ?—A. Well, I am a law student.

Q. With whom ?—A. At present I am with no one.

Q. You were formerly in the office of Messrs. Donovan & Conroy, were you not ?—A. Yes, sir; and had been for very nearly eleven years.

Q. Till when ?—A. Up to the latter part of January.

Q. This year ?—A. This year; yes, sir.

Q. Why did you leave there ?—A. I had a little disagreement with Mr. Conroy, the junior member of the firm; we couldn't hitch on certain points, and it ended in a little huff on his part, and I quit; I sent in my resignation and it was accepted; I have my resignation with me now.

Q. Was that difficulty that you had with Mr. Conroy one that grew out of any money matters ?—A. Well, the disagreement was as to salary, that's all; he didn't think that my services were worth what I thought they were worth; he didn't feel disposed to pay any more, so I quit him.

Q. What interest have you got in the result of this contest ?—A.
36 None other than I am hired by Mr. Donovan to investigate these certain things; Mr. Frost is a friend of mine; that's all.

Q. You are a Democrat ?—A. I am, sir.

Q. You live in Mr. Frost's district ?—A. Yes, sir; and have all my life.

Q. Isn't it a fact that if Mr. Frost is successful in this contest he has promised to procure you some situation in Washington ?—A. No, sir; that statement is not based on any proposition of his. It is very likely if this contest proves unsuccessful that I shall go into his office here. Mr. Frost has always been a friend of mine; in all likelihood if he stays in Washington he may procure me some situation there. Mr. Gus. Sessinghaus has told me that he would do anything in the world for me at Washington, if he gets there, and I believe he will do so, too.

Q. Isn't it a fact that you stated to one of the counsel in this case during the pendency of this contested election case, that Mr. Frost had promised you a position in Washington ?—A. It is a fact, sir; he did promise me so; I told that counsel the truth, too.

Q. Isn't it a fact that you take a deep interest in the result of this case ?—A. Well, I feel this much that I would like to see Mr. Frost succeed; of course if a man pays out money I like to see him de-

rive some benefit from it; I would like to see him successful.

Q. Did Mr. Frost pay you money?—A. No, sir; he never paid me any money directly; not during this campaign, nor for six months before that time. Previous to that time he used to pay out monthly tuition fee for me; he is a very generous, noble-hearted man.

Q. And you feel under very deep obligation to him?—A. I am under obligations to him.

Q. And will do all you possibly can to have him retain his seat?—A. Nothing only what is honest and upright. That is all I will do for any man.

Q. You say when you were employed in this case you were given a list of names, and you have already told us for what object you were so employed?—A. Yes, sir.

Q. You knew that the information which you went about to gather would be given on the stand in this case?—A. I did, sir.

Q. And in most instances you told the parties whom you saw the object of your seeking them?—A. You mean the object I had in calling on them for this information?

Q. Yes.—A. Not always, sir.

Q. You did very generally?—A. Oh, generally, yes; not always though; in some instances I did.

Q. And you ascertained that most of these names about which you have testified are the names of Democrats, have you not?—A. I can't say that they are Democrats, I run against a good many Republicans in my trip.

Q. But I ask you about the persons whose names you have testified about here to-day.—A. No, sir; when I went to inquire for a man I didn't ask what his politics were, I couldn't say anything about that.

Q. My question was whether or not it is not a fact that the men whose names you have testified about here to-day, were and are Democrats?—A. I can't swear positively.

Q. But in every instance where you did learn their politics, you learned they were Democrats, did you not?—A. Well, I can't say; no, not in every instance.

Q. Will you give me the name of a single Republican whom you have testified to here to-day?—A. That is, the parties that I got the information from, were not all Democrats, some were Republicans. I can't say with any particularity who these parties were, I can't name any particular one whom I got the information from, that is Republican.

Q. How many names did you testify about to-day?—A. I can't swear; I didn't count them.

Q. And you have no idea in the world?—A. I can count them, if you wish.

Q. About how many?—A. I will say between one and two hundred.

Q. About how many names were on the various lists which you had to investigate?—A. I can't say; I can't calculate how many were on there, but not many more than there is on here, not very many; there might have been some few more.

Q. Isn't it a fact that there were over five hundred names on that list?—A. I don't think there were.

Q. Did you give a list to Mr. Furay, about which he testified?—A. No, sir.

Q. Did you give a list to Mr. Elder, about which he testified?—A. No, sir; I did not.

Q. Did you give a list to the young gentleman who has just preceded you in his testimony, Mr. Dickey?—A. Yes, sir; I gave him some lists, some certain streets.

Q. How many names were on the list which you gave to Mr. Dickey?—A. I can't say, sir; I couldn't tell exactly how many were there.

Q. Did you take the entire list of Mr. Hyde?—A. I can't say whether I got the entire list or not.

Q. About how many names were on the list given you, which purported to be the list testified to by Mr. Hyde?—A. Well, I cannot say; I took this list as I have explained once before, and put them in regular order; arranged them into batches for streets, and took them
40 as they came, and when the report was made, it was transferred to these particular parties, who made the report for the contestant.

Q. Did you have the names on the list, which you worked on, that were on the list of either Mr. Furay, Mr. Dickey, or Mr. Elder?—A. There might have been some there by repetition, or some such way.

Q. It was not your purpose to have any name on any two of these lists?—A. I didn't think it was necessary to make two of these accurate and scrupulous examinations that we tried to make; I didn't think it was necessary to make two of them.

Q. Were, then, any names on any similar list to this, any two of those lists?—A. Well, there might have been.

Q. If they were, they were there by mistake?—A. I suppose so; perhaps; yes, sir.

Q. You say your business now is that of a law student?—A. That is what I have been following, sir; been clerking in a law office.

Q. But you have not been engaged in that business since January?—A. No, sir; I have done some little notarial work for myself since then, whenever the opportunity was accorded me.

Q. And you are not now in any lawyer's office?—A. No, sir.

Q. How many men were employed with you in making this
41 canvass of this district?—A. I cannot say how many Mr. Donovan had engaged; I don't know.

Q. How many did you have engaged?—A. I had Mr. Dickey alone; that is all.

Q. You were an active worker on last election day for Mr. Frost, were you not?—A. I worked from five in the morning, sir, till late in the evening—until the polls closed—I worked for him.

Q. And you worked before that for him during the canvass?—A. I did, sir; I worked hard for him.

Q. Did you have any bets on the election?—A. I made a few on the morning of the election; yes, sir.

Q. What other employment has Mr. Donovan given you in connection with this contest, except this that you have testified about?—A. Well, no other work specially but this; transcribing and writing some names for him that I did in his house one Sunday, and I believe it was on these lists.

Q. And you don't think there were on that list which you took with you and which you investigated over how many names?—A. That is these separate lists that I took, do you mean?

Q. Yes, sir.—A. I can give you generally between one and five hundred; that is about as near as I can come to it.

Q. Wasn't it much nearer five hundred, in your judgment, than it was one hundred?—A. It might have been; I never counted
42 them; in fact, I never had the time.

Q. Did you write out the memorandum from which Mr. Furay testified?—A. No, sir.

Q. Or that from which Mr. Dickey or Mr. Elder testified?—A. No, sir; only for myself. Mr. Dickey wrote his own and Mr. Elder, I believe, wrote his own; that is, as far as I know of it; at least I presume he did. I never wrote any but this one which I saw here.

Q. Did you write out Mr. Furay's?—A. No, sir; I never did.

Q. Did you cause to be placed in the Missouri Republican an advertisement some thirty days ago, inviting all Democrats to come to the office of Donovan & Conroy who had been, as they believed, improperly prevented from voting on election day?—A. I did not.

Q. Who did that?—A. I cannot swear; I don't know.

Q. Did you ever see that advertisement in the paper?—A. I saw it in the paper; yes, sir.

Q. Did you see such an advertisement as that in that paper?—A. I have already said I did.

Q. Was it written and put into the paper at the instance of Mr. Frost?—A. I cannot swear, sir; I don't know; I had no knowledge of it until I awoke one morning and saw it in the paper.

43 Q. I noticed during the examination of you by Mr. Donovan this morning that you on several occasions made suggestions to him; what was the purport of those suggestions?—A. He skipped several names around; that is what I spoke of; he didn't examine me as to my entire list.

Q. And you directed him?—A. I asked him why he did so; that was all.

Q. Do you personally know any of these fifty-odd persons concerning whom you have testified about this morning?—A. No, sir; I do not.

Q. Not one of them?—A. No; not one.

Q. And the only information which you have is derived from the examination which you made last March; and is that which has now been transcribed on the paper which you now hold in your hand?—A. Yes, sir.

Q. You discovered that Mr. Thomas Henley had moved away from 1210 North Ninth street, did you not?—A. I discovered that he had moved; yes, sir; but he lived there, you see, on November 5 and long before; he moved after November the 5th.

Q. Is that all the information that you have on your memorandum concerning Mr. Henley?—A. That is all the information.

Q. And that is all the information that you have about him?—A. That is all; yes, sir.

44 Q. Who did you obtain that information from?—A. From the parties then living in the house.

Q. They were specific in their information that he moved on the fifth day of November?—A. No, sir; the conversation that passed between the lady and I at the house was this: I asked her if Mr. Thomas Henley lived there; she said that he had moved out the latter part of November; as I understood her, he had moved the first of the following month, in December; I says, then, "He lived here about the fifth of November," and she says, "Yes."

Q. Is all that information on that paper?—A. No, sir; not the entire record.

Q. Then you have some information in regard to that gentleman which is not on that paper?—A. Yes, sir; of course this information, this memorandum here, recalls the conversation that passed between us, the lady-informant and myself.

Q. Then you have some information concerning that man which is not on that list?—A. Yes, sir.

Q. Notwithstanding the fact that the letter-carrier, Mr. Browne, whose testimony was likewise corroborated by two canvassers, that this man Henley did move away from there before the last election, you are quite confident that all three of these people are incorrect and that you are correct and right, and in fact this man did not move away from there until after the fifth day of November?—A. I feel that my
45 examination was made in such a way that I can say it is correct.

Q. Notwithstanding the fact that you went there for the express purpose of giving testimony in this case, and for the express purpose of eliciting such facts as would have a tendency to support the contestee's cause?—A. They didn't know my purpose when I went there, and they didn't give their answers with that knowledge, but at the same time I went there knowing that I was expected to testify in this matter; that is the reason I was so accurate, because I didn't feel a desire to swear to any lie; the very fact that I expected to testify here made me more careful.

Q. Well, I understood you to say that in very many instances you did impart to these people the object of obtaining the information which you sought?—A. Well, in some instances I did.

Q. Well, now, you did not find John Harvey at 1223 North Eighth street, but you did find him at 1239 North Eighth street?—A. I found him at 1239 North Eighth street.

Q. Did you inquire for him at 1223 North Eighth street?—A. I did not inquire because there was no use; there was no house there, so I inquired next to the vacant lot and was informed that he lived at 1239.

Q. Then, if some person took the name of John Harvey and the address 1223 North Eighth street, registered on that name on election day, and voted on that name from that number, there was a fraud perpetrated?—A. I don't think there was any fraud; I think it was
46 just simply a typographical error of the clerk in transcribing this number, or this printer made a mistake in setting it up; I don't think it necessarily means fraud.

Q. That is just what I suppose. Now, I want to know if you mean what you say, for I believe you do?—A. I do, sir; I think there was a typographical error made there.

Q. That, notwithstanding the fact that John Harvey, who resides at 1239 North Eighth street, registered and voted from that number for Mr. Frost, and some other man registered from that name and from that number, 1223 North Eighth street, which is a vacant lot, and voted for Mr. Frost, that there was no fraud perpetrated?—A. You didn't understand my answer.

Q. I ask whether, if that was a fact as I have stated it, whether in your judgment a fraud was perpetrated?—A. I think not; I do not think there was any fraud perpetrated; and I think there was a typographical error made there in changing the 1239 to 1223.

Q. Well, did you inquire at 1228 for John Harvey or John Hoey?—A. 1228 what street?

Q. The same street, North Eighth street?—A. I can't say that I did. No, sir.

Q. You have no information on that subject?—A. No, sir.

Q. As to whether a man by the name of John Hoey or John Harvey resided at 1228 North Eighth street on election day?—A. No,

47 sir; I found John Harvey living at 1239; I didn't think it was necessary to make any further inquiry.

Q. And you did not find any man by the name of Adam Ziegler 1374 North Seventh street, but you did find one in the rear of 1347 North Seventh street?—A. I did not find him at 1374; I found him at 1347; and I found that he had been living in the rear of that property, which he owned, and that he had lived there for years.

Q. Is there any such number as 1374 North Seventh street?—A. No, sir; there is a 1347, though.

Q. Did you inquire at 1374 North Sixth street for Adam Ziegler?—A. No, sir.

Q. Is there any such number as 1374 North Sixth street?—A. I cannot say, sir. Adam Ziegler is on Sixth street. I inquired at 1347 North Sixth street: that is my memorandum.

Q. Does your memorandum say Sixth or Seventh street?—A. It says Seventh. There is a mistake made here, according to my memory.

Q. Your memorandum says that you inquired at 1347 North Seventh street?—A. That is what my memorandum says; there is a mistake here; he lives at 1747 North Sixth street.

Q. And if you were of the opinion that it is no fraud for Mr. John Harvey to register and vote twice from two different places for the contestee, I suppose you are of the opinion that it would be no fraud for Mr. Ziegler to register and vote twice on the same number and for the same candidate?—A. I didn't say it was no fraud for one

48 man to vote twice and from two different places; what I said in regard to the other gentleman and what I say as to this one is, that I don't think that either one of these two men voted from two different places. I think that they are simply mistakes, clerical errors in transcribing them; anybody can see that who will take the trouble to examine the numbers; in this latter case it is clearly a transposition.

Q. But you have no knowledge or information on the subject except from conclusions which you draw?—A. I have no other information than that.

Q. If the proof showed, as it does show in this case, that Adam Ziegler went to the polls on election day and registered there, and the special registration has been introduced in evidence here in this case; that this gentleman so wrote his name, with the number of his residence against it as 1374, and that, after having so specially registered on that day, he did vote for Mr. Frost, was he, in your judgment, a fraud or not?

Mr. DONOVAN. I object to such an assumption of fact, and, further, to asking the witness on the stand his opinion on a hypothetical case.

A. I cannot see that I was brought here to pass an opinion on that question. It strikes me that that is a question for the committee of the House of Representatives of the United States to pass upon. They are the proper parties to decide that question whether there is fraud or not perpetrated.

By Mr. POLLARD:

49 Q. But in your judgment there was no fraud?—A. I don't think there was any fraud in this election.

Q. Did you inquire at 1401 North Sixth street for John Grady?—A. I inquired for John Grady at 1401 North Sixth street, but I made a mistake in my memorandum there and marked it Seventh street.

Q. Then the testimony which you gave this forenoon to the effect

that John Grady resided at 1401 North Seventh street is not true?—A. No, sir; I made a mistake in my memorandum. He lives at 1401 North Sixth street. There are two names there, Adam Ziegler and John Grady. I have Seventh street in place of Sixth street; it was a clerical error on my part.

Q. Do you know how many such errors there are in your examination this morning?—A. I don't think there is any more than perhaps one other than this.

Q. What memorandum have you concerning Thomas Welsh, 1319 North Eighth street?—A. He lived there a long time, and moved last November.

Q. Have you any further memorandum?—A. That is all, sir.

Q. Are you prepared now to say, sir, that from that memorandum which you have testified to as being all the information that you have on the subject, that he was residing there before the election?—A. I have sufficient memorandum here to testify that he was living
50 there at election time, and lived there a long time, and moved the last of November. That is all the information I have in reference to it.

Q. Did you or did you not, when I asked you the question preceding the last, give me all the memoranda that you have concerning Mr. Welsh?—A. I did, sir.

Q. But now, in addition to that memoranda, you say you are quite satisfied that he did live there before the election?—A. According to my memorandum, he lived there, and moved away the last of November.

Q. What I want to know is, whether you have any information except what is on your memorandum concerning this man Welsh?—A. No, sir; none whatever.

Q. And that memorandum simply is that he lived there and moved the last of November?—A. Yes, sir; moved from there the last of November.

Q. You found John Welsh in the rear of 1727 North Seventh street, didn't you?—A. 1327 North Seventh street.

Q. Which side of the alley?—A. On the east side.

Q. What other information have you there on your memorandum concerning him?—A. John Welsh, 1327 North Seventh street, lives in the alley in the rear of this lot, and has for a long time. That is all the information I have.

Q. And that is all the information that you are prepared to
51 give us concerning Mr. Welsh, is it?—A. Yes, sir.

Q. Peter Gibbons lives at the same house, does he?—A. No, sir.

Q. Where does he live?—A. Peter Gibbons—I went in search for Peter Gibbons at 1337 North Seventh street, found that he didn't live there, but did live at 1320 North Seventh street, and had for over three years, according to his information.

Q. That is on the opposite side of the street?—A. On the other side of the street through a little bit of a court-way.

Q. Well, if Mr. Peter Gibbons had registered and voted from 1327 North Seventh street on the second day of last November, if he did not commit a fraud, he certainly committed a wrong, did he not?

Mr. DONOVAN. I object to the counsel asking for the opinion of the witness, for if the counsel for the contestant will consult the law he will see that it directs the judges to ignore typographical errors; he will find it in the morning papers—the Missouri Republican, as well as the

Globe-Democrat; both these chronicles give in full the instructions to the judges for the spring elections, which are the same as for the November election, and if the counsel has not seen the instructions and desires it I will send for the papers and read them to him.

52 Mr. POLLARD. I shall be perfectly delighted to receive all the information that we can receive; but I apprehend the information which the gentleman will find in the papers I have already seen, and am of the impression that it is rather a construction of the law, instead of the law itself; and a construction made up by a Democratic official, for the purpose of winning this coming election.

Mr. DONOVAN. Inasmuch as they are the general instructions that have been given for years, almost word for word, and affect Democrats and Republicans alike, the logical process of the counsel for the contestant must certainly be at fault.

Mr. POLLARD. I have noticed with pleasure that wherever Republicans have control of municipal elections instead of getting a Republican attorney, hired for the purpose, to construe the law for use on election day, they have given the law itself. And I make the further statement that even the Democrats themselves can scarcely dare to give any instructions to the judges of election—that if a man resided on the east side of Seventh street and registered from the west side, when the opposite sides of the street were in different districts, or in different precincts, that he would be entitled to vote in the precinct where he registered from, if he lived in another precinct.

Mr. DONOVAN. The counsel for the contestant now steers clear of the issue he raises and is running his lance against a wind-mill.

53 Mr. POLLARD. In regard to the wind-mill question, I have nothing in the world to say, except that I apprehend that it is not much more than a wind-mill that we have to fight, a mill which is run almost exclusively by wind makes a great deal of noise and creates considerable breeze; but the facts as disclosed by the testimony in this case are that these typographical errors were made in the interest of the Democratic party, by Democratic clerks, by Democratic type-setters, and by Democratic judges of election for the express purpose of enabling them to take the ballot of the same man two or three different times; and for the further purpose of enabling them to prevent the honest Republican voter from casting his vote when the i in his name had not been dotted by the Democratic printer, or the t in his name had not been crossed by the Democratic clerk.

Mr. DONOVAN. There are now about eight wind-mills instead of one; if the counsel for the contestant wants to put himself on record as an abler lawyer than Leverett Bell who has been the city counselor of the city of Saint Louis for years and is so at present he is at liberty now to do so.

Mr. POLLARD. Comparisons are quite odious. I am willing to admit that not only Leverett Bell, who is the gentleman referred to, but that the gentleman himself conducting this case for the contestee and his associates, are not only older but abler than any attorney connected with this case on behalf of the contestant.

54 Q. You did not find Moses Shelt at 1320 North Seventh street, but you did find him at 1321 North Seventh street, which two places are on opposite sides of the street?—A. I found Moses Shelt at the number I mentioned; my testimony as to that was that I found him at 1321 North Seventh street, living there a long time and moved away about four weeks ago.

Q. You didn't find him at 1320 North Seventh street, from which number he registered and voted?

Mr. DONOVAN. I object to this assumption of facts; the witness knows nothing whatsoever what Moses Sheit did, and the counsel for the contestant does not know either.

Mr. POLLARD. The record in this case discloses the fact that Moses Sheit did register and vote from 1327 North Seventh street, and that is opposite 1321 North Seventh street, is it not?

A. Yes, sir, it is.

Q. And it is in a different voting precinct?—A. I can't say as to the voting precinct; I am not acquainted with all the voting precincts in that ward; but here is the place I was directed to and that is 1321 North Seventh street.

Q. And you found him there?—A. I found that he had moved four weeks ago.

Q. Did you inquire at 1328 North Eighth street for John Maher?—

A. I inquired at 1328 North Seventh street for him, and I found that he lived at 1320; I did not inquire at 1328 North Eighth street.

Q. Did you find more than one John Maher living in that neighborhood?—A. I did not; no, sir; I inquired at 1328 North Seventh street, and I found that he lives at 1320 North Seventh street for three years.

Q. Did you not in your testimony this morning say that no other John Maher ever lived in that neighborhood?—A. They didn't know of any other; I inquired for others but they didn't know of any others.

Q. Now, if it is a fact that John Maher did register and vote from 1328 North Eighth street, then he registered and voted on somebody else's name, did he not?—A. I can't say as to that; I think, though, that there has been some typographical error here on the part of somebody; they have put in an 8 instead of 0.

Q. What party had control of the printing and of the registration office, that is, the office for the registration of voters, Democratic party, or the Republican party, last fall?—A. I don't know the politics of the gentlemen, and can't swear as to that accurately; but I think that Mr. Gouter is a Democrat; I don't know that for certain; I think so.

Q. What was the politics of the Times in which these names were printed?—A. That was Democratic.

Q. Then these typographical errors as you and your associate Mr. Donovan describe them, if they were such, were made by Democrats were they not?—A. I can't say that the Democratic government had anything to do with the printing of the lists of the registration office, for I have no information to satisfy me that they did; I don't know who did the printing. The Democratic government of this city doesn't do job printing work.

Q. You have heard the testimony of, in the neighborhood of about twenty-five witnesses on the stand on the part of the contestee in this case, to the effect that the Democrats did do that printing, did you not?—A. No, sir; I have not.

Mr. DONOVAN. I object to the counsel for the contestant endeavoring to confuse the witness inasmuch as the twenty-five witnesses that he asks him about had reference to the stricken list that was printed in the Times, but there is no testimony that they printed these names that we are talking about.

Mr. POLLARD. The testimony by numerous witnesses, whether twenty-five I am unable to say, but the record will disclose the number, is that the Times was the official organ of the city of Saint Louis and had the

official printing of the city of Saint Louis; that they had not only the printing of the stricken list, but that they also had the printing of the poll books, and all that kind of printing.

57 Mr. DONOVAN. The gentleman mistakes, inasmuch as the printing of the poll books of this city was done by the well-known firm of Woodward, Tiernan & Hale, whom nobody in this room can testify regarding their politics, but I am willing to testify that they are as reasonably accurate as men can be in their printing work: but even printers are liable to mistakes.

Mr. POLLARD. All of the firm referred to by the counsel for the contestee, are well-known leading politicians for the Democratic party. Witness, R. P. Studley, and R. and T. A. Ennis, did some of the work—that work was divided around among five or six firms, the way I understood it.

Q. Well, you say in regard to John Claxton, either he lied to you, or else the letter carrier who gave the testimony concerning him lied?—A. In answering that question, I said that when John Claxton gave me this information, I asked him how long he had lived there—

Q. I ask you only one question; you do say that either one or the other lied about John Claxton, do you?—A. Mr. John Claxton said that he had been living there for twenty-three years, and he could prove the letter carrier a liar; the question was not put to me, as I believe, as to which of them told a lie, or I swore that I couldn't tell which one had sworn to a lie, or which one had told a lie; if you ask my own opinion about it as to which one lied, I would really say that the letter
58 carrier lied; that is my conviction.

Q. Did you not as a matter of fact in your examination this morning state point-blank that one or the other lied?—A. Not point-blank, no, sir. I answered that question this morning as I answered it just now.

Q. You told Claxton what you were there for, and what the letter carrier had said about him?—A. I did not, sir.

Q. What did you tell Claxton the letter carrier had said about him?—A. That the letter-carrier had claimed that he couldn't find him; I said "how is it, are you known here?" And he says, "I think so; I have been living here for twenty-three years, and everybody and the letter carrier knows me."

Q. That was John Claxton that you were talking to?—A. That was John Claxton, 1415 North Eighth street.

Q. Did you tell him that you had heard the letter carrier testify, and knew what he had sworn to?—A. No, sir; I did not.

Q. Did you tell him that the letter carrier in his testimony had referred only to George Claxton, and not to John?—A. I did not, sir.

Q. Did you make any inquiry there for George Claxton?—A. I did not, sir.

Q. Do you know whether George Claxton lives there or not?—A. I do not, sir.

59 Q. Do you know whether there is a George Claxton well-known in that community?—A. I cannot say whether there was or not; I was not sent to inquire for George Claxton; I went there to look for John Claxton, and John Claxton I found, and when I found him I thanked God, for I was tired.

Q. Which side of the alley did you find James Gallagher, of 1300 North Seventh street?—A. On the east side of the alley.

Q. You found his daughter there?—A. Yes, sir.

Q. How old a lady is she?—A. Well, I presume it is his daughter; it

was some young lady that I saw there: she was about fifteen years old I suppose; she was old enough to know what she was talking about.

Q. You did not find Frank Edgett at 28 North Market, but you did find that he boarded some time last January, at about 228 North Market?—A. I found that he boarded on the southeast corner of Second and North Market, and according to my calculation that would be about 228—the number of the place would be about 228. He went to Colorado about January 10, 1881.

Q. Have you any further memorandum concerning him?—A. Only that he lived at this place a long time.

Q. You didn't inquire for him at this place 228 North Market?—A. I inquired on the southeast corner of Second and North Market; it has no number; but I should think it would be about 228; that would be according to my calculation.

Q. You did not inquire at 28 North Market street for him?—
60 A. There is no 28, sir.

Q. Is it vacant?—A. It is a vacant lot down there near the river.

Q. So, if Frank Edgett did register and vote from 28 North Market, it was a typographical error of some Democratic official, or a fraudulent vote, wasn't it?—A. I can't say, sir; I can't say whether the typographical errors were made by the Democrats or the Republicans; it was a typographical or clerical error on the part of somebody. I think if I were a judge of election at the precinct at which he presented himself to vote, I would permit him to do so.

Q. Especially if he came there that day and offered to register and vote the Democratic ticket?—A. Not especially; if he wanted to vote the Republican ticket, I would receive him just as well. My sense of honor would not allow me to disfranchise the man.

Q. Then you are irresistibly led to the conclusion that this was a typographical error?—A. Yes, sir; from information that I got there.

Q. Notwithstanding that the man went to the polls on election day, and stated that he lived there at 28 North Market street, and registered his name, and then gave that number as his address, as his residence?

Mr. DONOVAN. I object to this wholesale assumption of facts.

WITNESS. The probability is that the gentleman stated 228, and when it was put on the list it was marked 28, and a figure 2 omitted.

61 Mr. POLLARD. The gentleman well knows that every man who registers on election day has to write his own name and address. Now, I ask this witness whether or not, the proof showing that this man did write his name and his address as 28 North Market street, and did vote on that name and on that address, whether, in his judgment, that was a typographical error or a fraudulent vote?

Mr. DONOVAN. Contestant's counsel seems to think that it was murder in the first degree to slip a figure in the number of a man's house.

Mr. POLLARD. Answer the question, please.

A. I can't judge as to that, Mr. Pollard, for the simple reason that these names were transcribed from the special registration sheet, and a mistake was then made in placing his residence at 28 North Market; or when such transcription was made there might have been an error made there. I cannot judge, therefore, whether there was a fraud perpetrated or not; but I don't think there was.

Q. You believe that, notwithstanding the man wrote his own name, and as living at 28 North Market, when he resided several blocks away.

from there, you think he perpetrated no fraud?—A. I think if he took the Democratic ticket that he went there with a pure, honest motive in the interests of his party. I have no information to lead me to believe that he went there with the intention of perpetrating fraud.

62 Q. Are you prepared now to swear that you don't believe any Democrats at the last November election in the third congressional district perpetrated any frauds?—A. I don't know whether they did or not. I can't say whether they did or not. I am not as a judge to decide whether any one perpetrated any frauds or am simply here testifying to the accuracy or inaccuracy of these statements.

Q. But you are much more led to believe that the Democratic candidate who had charge of that registration perpetrated frauds than than man Edgett did?

Mr. DONOVAN. I object to this waste of time and waste of ink conversing with the witness. Let the investigation proceed.

WITNESS. Well, I can't say whether there was any fraud perpetrated at the last election by the Democratic officials or not. Is that the answer that you want?

By Mr. POLLARD:

Q. I want you to answer the question.—A. That is the answer to your question, isn't it?

Q. Do you know when the house on the northeast corner of Madison and Madison was burned down, of your own knowledge?—A. The house there it was torn down.

Q. Do you know when it was torn down?—A. They told me it was torn down about the first of March. Mr. Michael Kelly told me. He is one of Mr. Sessinghaus's supporters in the Sixth ward; I saw him excavating the cellar there for a chair factory. He informed me

63 Richard Burrigan had moved away from there on March 1 or at least that he commenced the excavation for the cellar for this chair factory.

Q. Did you inquire for any man there by the name of Barrigan?—A. I did, sir.

Q. What did you learn about him?—A. From Michael Kelly I learned that he had moved away about March 1, 1881; the house was torn down to make room for a chair factory.

Q. Is that Barrigan or Burrigan?—A. Burrigan.

Q. He is the man that you inquired for?—A. That is the man I was sent for, and I inquired for him.

Q. You ascertained from some source that a man by the name of James Garretty had moved away from 2219 Broadway either on the 10th or 11th day of November?—A. I ascertained that he lived there, rear, upstairs, up to November 10 or 11; I learned that from the man he lived with.

Q. Have you any other memorandum concerning him?—A. That is all.

Q. Have you any other information concerning him than that?—A. That is all, sir.

Q. None other whatsoever?—A. Except that he moved after

Q. You guess that he moved away on the 10th or 11th day of November?—A. I say that he lived there up to the 10th of November, when he moved away.

64 Q. Have you any further information concerning that man?—A. That is all, sir.

Q. Not a bit?—A. You can see that for yourself by inspecting this paper.

Q. You don't know whether he lived there on election day or not?—

A. No, sir; I can't say.

Q. You say that Thomas Cullin lived at 1023 North Fifth street before and after the election; what further information does your memorandum give you?—A. My memorandum says that Thomas Cullin, 1023 North Fifth street, lived there with Mr. Gruenewald a long time before and after the election; that he voted from there. This information I got from Mr. Gruenewald, who was a judge of the election of precinct No. 40, the precinct in which this man Cullin voted. Mr. Gruenewald is a Republican, I believe.

Q. Are you personally acquainted with him?—A. Yes, sir; I am.

Q. How long have you known him?—A. Well, I have known him for about a year and a half or so. I guess I have known him by sight much longer than that.

Q. What is his first name?—A. Henry. He is a barber, at 1023 North Fifth street; he rents rooms up over his shop.

Q. Now, if Mr. Henry Gruenewald, who was one of the judges in the last election, testified on this stand that this man Thomas Cullin
65 had lived with him and moved away from his place on the 15th day of November, 1879, he either made a misstatement to you or he swore to a lie on the stand, did he not?—A. If that is the case, he has done either one or the other.

Q. You are positive that he told you that?—A. I have no information in regard to his swearing here on this stand as you say, except your statement.

Q. Did you hear all the testimony in this case?—A. No, sir; I did not.

Q. Did you hear the witnesses on the part of the contestant testify?—A. Very few; I don't think I heard over six. I have been in the office and seen them, but I didn't listen to them; I have been in the other room generally, doing something else.

Q. Out of the six hundred who testified you heard not over six?—A. Do you mean the witnesses who testified in this case altogether?

Mr. POLLARD. Yes.

A. I thought you meant this office here.

Q. My question was how many witnesses did you hear testify on behalf of the contestant?—A. I heard, I presume, about forty or fifty; there was one day that you got in thirty. I listened to them that day; about forty or fifty, I presume, altogether.

Q. Now, are you not mistaken? Look at your memorandum and see. Refresh your memory and tell me if Mr. Gruenewald did
66 not tell you that this man Cullin moved from his place in November, 1879, instead of November, 1880?—A. No, sir. I have given you the information which is contained in my memorandum, and that information Mr. Gruenewald gave me in his shop.

Q. Did you learn when the house numbered 1108 Broadway was burned down?—A. I did not, sir.

Q. Did you learn when the house numbered 1112 Broadway was burned down?—A. I did not.

Q. You found out that Mr. Edward N. Smith moved some three months ago from 3605 North Tenth street?—A. I did, sir; I found that he had lived there for years, and moved three months previous to my examination.

Q. What other information have you on your memorandum concerning him?—A. That is all, sir.

Q. Do you know anything of it of your own personal knowledge?—A. No, sir; I do not.

Q. Who gave you that information?—A. The parties that lived next door; they were acquainted with him; parties that lived on the corner. I learned it from the gentleman that was then keeping the house.

Q. Did they tell you where he had moved to?—A. They did not, sir.

Q. And they were no more specific or definite in their information than that?—A. No more than that.

Q. And that was that he moved about three months ago?—A. That he moved there about three months ago; that is, he had lived there for years, but moved away about three months ago. He was carrying on a business there, I believe.

Q. You say that your information was that T. J. Morrison left Eleventh, between Hebert and Davis, three or four weeks after the election?—A. Yes, sir; that was my information, that he left Eleventh, between Hebert and Davis, after the election day; he had lived there for years up to three or four weeks after the election.

Q. Who gave you that information?—A. Parties on the corner; one of his sons; I think it was a son—a young man—a pretty big boy.

Q. Did you learn where he had moved to?—A. To some place on Spring street, between Ninth and Tenth.

Q. Did you not try to go and see him?—A. No, sir.

Q. You didn't take the trouble to verify the information which you obtained from this boy?—A. No, sir; I thought the information I received from the parties living in this house was sufficient.

Q. And this information which you had obtained about these various parties which had moved was to the effect that they had all moved since the election; there was nobody, in fact, that you found up there that moved before the election?—A. None that I have testified to didn't move before the election that I know of.

Q. Why was it that immediately after the election such a hegira took place?—A. Well, I can't say, sir; very likely they got a freezing out some days after that and moved.

Q. You found no one on your whole list but what had moved prior to the election?—A. No, sir.

Q. Out of all the names which you say might have been 600 not one of them moved prior to the election?—A. As I understand you to say, you are asking me whether there was any person on my list that had moved prior to this last election—on this list which I now hold in my hand?

Mr. POLLARD. No, sir; on the list which you say had some five or six hundred names on it?

A. There might have been some that moved before.

Q. Was there or was there not?—A. Well, they informed me that some of them had moved prior, but they were not sure when they moved; I couldn't tell. They didn't live in those places there; I generally looked for them.

Q. For how many?—A. I couldn't tell how many.

Q. Why were you not questioned about all the names that were on the list which you took into this field?

Mr. DONOVAN. I object to that question as immaterial. Probably he don't know.

69 WITNESS. I don't know why, sir.

By Mr. POLLARD:

Q. You found a man at 224 Mound street named Tengenagel?—A. I did, sir.

Q. You found no man of the name of Tenglal at 214 Mound?—A. No, sir; I did not.

Q. Did you inquire at 214 Mound street for such a man?—A. There is no 214 Mound street; no house there; it is a vacant lot—a big hole. I went to 224 Mound street and found that Mr. Tengenagel lived there, and has lived there since November 1.

Q. Did you see Mr. Tengenagel himself?—A. I did, sir.

Q. Did you learn when he came there to that place?—A. I did not, sir; I didn't inquire as to when he moved there. I didn't feel that it was any of my business.

Q. And you elicited the information from him that he came to that house on the first day of last November?—A. Yes, sir.

Q. And 214 Mound street is a vacant lot?—A. It is a large hole there.

Q. It is a vacant lot?—A. It is a vacant lot; yes, sir.

Q. And if there was a man of the name of Tenglal registered and voted from 214 Mound street you think that was a typographical error?—A. I don't think that he registered and voted from 214 Mound street.

I think they made a typographical error.

70 Q. If a man named Frank Tenglal did register and vote from 214 Mound street that was a typographical error was it?—A. I can't say whether it was a typographical error or not.

Q. The probabilities are that it was a typographical error?—A. The probabilities are that Frank Tengenagel when he went to register and vote registered and voted from 224 Mound street, and that a mistake was made not only in his name but in his number. There is no other man of that name known around there. This one is the only man of the name of Tengenagel; I inquired of him and his wife.

Q. You found no man of the name of Pat. Haney at 1528 Broadway?—A. No, sir; not of the name of Pat. Haney, but I found a Pat. Henry that lives there, and has lived there for a long time, upstairs. I inquired for Pat. Haney. They said there was no Pat. Haney there, and never had been there, but a man of the name of Pat. Henry was living there.

Q. Then, if Pat. Henry did live there and registered and voted and some other individual gave his name as Pat. Haney at 1528 Broadway and registered and voted on election day, it was a typographical error, was it not?—A. Well, sir; I will not swear to that. I don't think, Mr. Pollard, that I am here to decide that question. I think that Mr. Pat. Henry, when he registered and gave the name of Pat. Henry, that the clerk, in transcribing it, made a clerical error, and the printer has, likely enough, made a typographical error.

71 Q. Notwithstanding the fact that two men, one of the name of Pat. Haney and the other of the name of Pat. Henry, did register and vote from that number?

Mr. DONOVAN. I object, on the ground that the record shows nothing of the kind.

WITNESS. I don't know that such is the case.

By Mr. POLLARD:

Q. Such being the case you still think that it was a typographical error or a clerical error?

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Mr. DONOVAN. I again object, because such is not the case.

WITNESS. I cannot say, sir; I am not here to decide whether that was a typographical error or fraud or a clerical error or what it was, though, in my opinion, I think that two such men never voted in that precinct.

By Mr. POLLARD:

Q. Is there any such number as 1488 Broadway?—A. No, sir; but there is a number 1448 Broadway.

Q. If Thomas Burns registered and voted from 1488 Broadway it was doubtless a typographical error?—A. Thomas Burns boarded at the Columbia House, 1448 Broadway, on the day of election.

Q. I say if he registered and voted from 1488 Broadway on last election day it was a typographical error?—A. His residence was 1448, and if there was a mistake the clerk or the printer made the error. I think that he had a perfect right to correct it at the polls, or the judges of election had the right.

72 Q. After he had voted from 1448 Broadway, you think he would still have the right to correct the number to 1488 and vote again?

Mr. DONOVAN. I object to such questions being addressed to this witness, because they are based simply and wholly on Mr. Pollard's assumption of the facts.

WITNESS. I don't know that any Mr. Thomas Burns registered from 1488.

By Mr. POLLARD:

Q. I want to know what your opinion is of a set of Democratic officials who would make so many typographical errors concerning so many names and so many places of residence?

Mr. DONOVAN. I object to this because it is no evidence, and further because it is without the power of the gentleman to ascertain the politics of the printers who set the type.

WITNESS. You want my opinion of the whole Democratic force, or as you claim them to be a Democratic force. I can't say whether they were Democrats or not, for I have no knowledge to back up that information.

By Mr. POLLARD:

Q. I want an answer to the question which I asked you.—A. I am not here to express my opinion as to what is right or wrong. You want to know what I think. Mr. Kraft has not time or paper enough to write down the half of what I think.

73 Q. There was another typographical error, was there, in writing Hawley Hanley, 1318 Broadway?—A. Dan Hawley is the name I inquired for.

Q. You did not inquire for Dan Hanley there?—A. No, sir.

Q. And yet when Mr. Hanley's name appears on the special registration sheets under his own signature and from that number, and he voted on that day from that place, you think it is a typographical error?—A. No, sir; I don't think it was a typographical error.

Q. You made no inquiry, and you are not prepared to state whether a man of the name of Dan Hanley did or did not reside at 1318 Broadway?—A. No, sir.

Q. You found that a man named Dan Hawley did board there some six months, and that he had left there a few weeks after the election?

—A. Yes, sir; I found that he boarded there six months, was there on election day, and left three weeks after.

Q. Have you any further information on this subject?—A. That is all, sir.

Q. From whom did you elicit this information?—A. From the people engaged in the house; it was a boarding-house. I learned that from the servants and the lady that had charge of the place—the head person.

Q. Who keeps that boarding-house?—A. I can't say, sir; I saw Mr. Hardwig, at any rate, there.

Q. Is that his boarding-house?—A. I don't know whether it is his boarding-house or not. I saw him near there; not in the house.

74 Q. How far from there?—A. Right in front of the door when I came down-stairs.

Q. Why didn't you ask him whether he kept the house?—A. I don't know what he did there; but I saw him there.

Q. Was it a suspicious place for a man to be in?—A. No, sir; I was not ashamed to be seen coming out of there.

Q. Why then did you volunteer the information that you saw Mr. Hardwig there?—A. I saw him there in a buggy; I didn't know whether he lived there or not.

Q. Well, you found a man by the name of Pat. McCarthy on the southeast corner of Broadway and Cass, did you?—A. Yes, sir, I did; he was watchman of the Columbia House, on the southeast corner of Broadway and Cass; he lives there, and has since a long time before the election; he is personally in charge of that house; on the northeast corner of Broadway and Cass is Wolfert & Reilly's stables.

Q. Did you inquire there for this man McCarthy?—A. I inquired in the office, and they did not know him.

Q. Now, what is the man's name whom you found on the southeast corner of Broadway and Cass?—A. P. H. McCarthy.

Q. Do you know whether his name was Patrick or Phineas?—A. I cannot say, sir.

Q. Did you find any Pat. McCarthy at Wolfert & Reilly's stables?—A. I didn't look for Pat.

75 Q. You didn't find any P. H. McCarthy at Wolfert & Reilly's stables?—A. No, sir; but I found P. H. McCarthy at the Columbia House, on the southeast corner of Broadway and Cass avenue.

Q. That is not only across the street from the northeast corner, but is also in a different voting precinct, is it not?—A. I can't say. I don't know anything as to the different precincts there.

Q. You found three men, Thornton, O'Hare, and Martin, all living in the same house, that is to say, boarding, eating, drinking, and sleeping at Wolfert & Reilly's stable?—A. I found three men—Richard Thornton, J. A. Martin, and L. W. Mathews there; but I didn't find Denis O'Hare at 1520 Broadway. I found that they had rooms there and slept there.

Q. And resided there?—A. And resided there; yes, sir.

Q. And ate and drank there?—A. No, sir; I can't say that they did; that they ate and drank there, or had there washing done there.

Q. You can't say whether they had families or not?—A. No, sir; I can't say; I don't know them personally.

Q. You did not know and don't know now whether they had families there or not?—A. No, sir; I can't say; I don't know where their families resided. *I don't know that.*

Q. You made no inquiries?—A. No, sir; I made no inquiries; I only inquired at Wolfert & Reilly's stables. I inquired of Mr. Wolfert and he informed me that these men had lived with him and had worked for him there in his stables, and were there then at that time.

76 Q. How many Denis O'Hares did you find at 212 Howard street?—A. I found none at 212, but I found one at 223 Howard, and he had lived there four years; so I presume that is another typographical error.

Q. Did you find one Denis O'Hara at 212 Howard street?—A. No, sir; I did not.

Q. Did you inquire for Denis O'Hare, or Denis Hane at 212 Howard street?—A. There is no 212 Howard street that I know of.

Q. What is it, a vacant lot?—A. I think it is a stable.

Q. With no one residing there, is there?—A. There was no one on the premises that I could make inquiries of; then I found that Denis O'Hare lived at 223 Howard street.

Q. Did you see Denis O'Hare?—A. I saw what I presume was his mother.

Q. Did you inquire of him or any one else by that name, if they lived at 212 Howard street?—A. I asked a lady if she knew Denis O'Hare, and she says he lives there; I asked her if she knew any Denis O'Hare living at 212 Howard, and she replied that that was the only Denis O'Hare that lived around there in that neighborhood. That is the information the lady gave me; she said that he had resided there for four years.

Q. And you found that a man by the name of John Lyon had formerly lived at 1824 Broadway, but that he had moved from there
77 on December 1, 1880, and gone to Washington avenue?—A. I found that Lyon lived there up to December 1, 1880, and then moved to Washington avenue.

Q. Have you any further information concerning him on your memorandum?—A. Nothing except this little mark on the other side where the cavasser on your behalf testifies that he does not live there; that is all.

Q. You had that marked on each and every one of the memorandums that you took with you?—A. No, sir.

Q. How many of them. A. I can't say that I had it on any of them. I put this mark on afterwards, for the convenience of Mr. Donovan.

Q. That appears on your memorandum against that name?—A. Yes, sir.

Q. And that is all, as I understand it, that you have on your memorandum against the name of John Lyon?—A. That is all, yes, sir.

Q. Do you know anything about it personally except what you have there on your paper?—A. No, sir.

Q. That is all the information that you have about him?—A. That is all the information I have about him; yes, sir.

Q. And you are not prepared to state, and can't state for your memorandum does not say, and you do not know of your own knowledge, how long he lived at 1824 Broadway?—A. No, sir; I can't state.

Q. You don't know whether he had been there twenty years or
78 five days?—A. No, sir; I can't say.

Q. Did you make an inquiry for Fred. J. Briveau at 217 Mul-lanphy street?—A. No, sir. I did not.

Q. And you don't know whether a man by that name lived there?—
A. I went there and inquired for Fred. J. Brennan.

Q. You don't know whether any man by the name of Briveau lived

there on election day or at any other time?—A. I cannot say; no, sir.

Q. You did find a man by the name of Fred. J. Brennan, at 219?—A. 219 Mullanphy street, yes, sir; and he lived there before, on, and after the election.

Q. But you found no man by the name of James Crowell, at 219 Mullanphy street?—A. No, sir.

Q. You did find a man by the name of James Connell, living there?—A. Yes, sir; living at 219 Mullanphy street, since April, '80, and he died three weeks ago.

Q. You think it is a typographical error, notwithstanding the fact that both Crowell and Connell registered and voted from that number?

Mr. DONOVAN. I again object to this assumption of fact; the witness knows nothing about it, neither does the counsel for the contestant.

Mr. POLLARD. The counsel for the contestant knows what is in this record, and knows that it is in this record.

Mr. DONOVAN. The statements of the counsel for the contestant during all of this cross-examination not only of this, but of all other witnesses, undoubtedly proves that he does not know what is in the record.

WITNESS. Well, sir, I have no proof from which I could gather the information that these two men registered and voted there; I know nothing about that; I know that a man named John Connell lived at 219 Mullanphy street.

By Mr. POLLARD:

Q. You didn't find a man by the name of Pat Ferrell, at 211 Mullanphy street, but you learned from some source that he came there in September, and went away from there in December, about Christmas?

—A. I ascertained that from a lady who had charge of the institution there.

Q. What kind of an institution is it?—A. A boarding house.

Q. Are there many boarders there?—A. Well, it is a brick boarding-house, three or four stories high.

Q. Have you any further information concerning him?—A. None, except on this line here. The only information I have is that Pat Ferrell left in December last, about December 25th, about Christmas.

Q. And that you learned from some lady living in that house?

—A. Yes, sir; in the house; and I supposed that she had charge.

Q. Do you know as a matter of fact whether she had charge?

—A. No, sir; I asked for the lady in charge, and she said that she was the person.

Q. You found that a man named Burkemeyer lived at 900 Mound street since some time in October?—A. Yes, sir.

Q. And you found that according to your testimony this morning, that either these Democratic officials at the city hall, or these Democratic printers had taken the liberty of making typographical errors in his name, in the spelling of it as Berkenmeyer; is that so; is that true or not?—A. I can't say whether the clerks or the officers who made this error were Democrats or not; only in my opinion they made the error, be they Democrats or Republicans; the name that I was sent to inquire for was C. W. Berkenmeyer; his name is not Berkenmeyer; but it is Charles W. Burkemeyer. He has lived there since October, 1880, upstairs.

Q. And you found no man there of the name of Berkenmeyer?—A. No, sir; I did not.

Q. Did you make inquiry for Berkenmeyer?—A. I made inquiry; yes, sir.

Q. And you found the fact, that no such man lived there, or had lived there?—A. No such man lived there or had lived there; but Charles W. Burkemeyer did live there; and he has lived there since October, 1880, upstairs.

Q. Did you make inquiry for a man named C. E. Evans, at 2621
81 Broadway?—A. I made inquiry for C. E. Evers, at 2621 Broadway.

Q. But you made no inquiry for Mr. Evans?—A. No, sir.

Q. And, of course, do not know whether he did or did not live there?—A. I can't say anything about Evans; only I know that C. E. Evers lived at 2621 a long time before the election and after the election. It is the Montgomery House where he is.

Q. You discovered that Mike Connor had left 3709 Broadway some time after the election, and that he had boarded with Mrs. Mayland, did you?—A. I found that Mike Connor lived there a long while until after the election, and some six months before; he boarded with Mrs. Mayland.

Q. Who did you learn that from?—A. From the gentleman that run the bar-room down-stairs in connection with that house.

Q. Did you get any further information than that you have just stated concerning this man Mike Conner?—A. That is all, sir.

Q. And you know nothing about it personally, of your own knowledge?—A. I know nothing of it, of my own personal knowledge, except what I have testified to.

Q. You don't know whether he left the next day after the election or only two or three days ago?—A. I cannot say, sir. I do not think, however, that he left but two or three days ago, from the simple fact that he was not there when I went there to find him, for he moved away some time after the election; that he had left some time before I came there.

Q. You inquired for John Hage at 1425 Broadway, did you?—A. Yes, sir; I did.

Q. And found no John Hage there, but did find John Hogue?—A. I found John Hogue; they pronounced his name like Hog. I found him at 1425, where he had been living for one year. The lady that lived next door told me that he moved away about the first of December.

Q. Did she know any one by the name of John Hage?—A. I didn't ask her if she did—yes, I asked her if she knew such a person, and she said that was Hogue.

Q. She said she knew a man named Hogue?—A. Yes, sir.

Q. You found a man by the name of Thomas May at 221 Howard street, and found that he had lived there for eight or nine months; but you did not find any one there by the name of Thomas Fay?—A. I inquired for Thomas Fay; they told me there was no such man living there; they said his name was Thomas May, and that he had lived there for eight or nine months. That is another typographical error.

Q. Notwithstanding the fact that both Fay and May registered from 221 Howard street, it is undoubtedly a typographical error?

83 Mr. DONOVAN. I object to this unwarranted assumption of facts, for this is entirely assumption. There is no such fact in this record, and the gentleman well knows it.

By Mr. POLLARD :

Q. Is it or not ?—A. I can't say whether those two people registered and voted from there or not.

Q. You have no information, then, as to whether Thomas Fay, who did register from there on election day and did vote from there, committed a fraud, have you ?—A. I have not ; I only know that Thomas Fay lived there for eight or nine months.

Q. You did not find John Dorsey, 2223 North Tenth street, from which number he did register and vote on election day, and voted ; but you found another man named John Dorsey, living at 2023 North Tenth street ?—A. I did not find any John Dorsey at 2223, but I found him at 2023 North Tenth street, in the rear, and he had lived there for two years.

Q. You found no John D'Arcy either at 2223 or 2023 North Tenth street ?—A. No, sir ; I did not.

Q. And made no inquiry for John D'Arcy ?—A. No, sir.

Q. And know nothing whatever about him ?—A. No, sir ; I know nothing whatever about him.

Q. And you only know that John Dorsey does not live at 2223, but does live at 2023 North Tenth street ?—A. That is all I know, sir—that he lived upstairs, in the rear, for two years.

Q. And you found that Thomas Morris did not live at 3404 North Ninth street, from which place he had registered and voted ; but you did find that another man of the name of Thomas Morris had resided, and had for two years, at 3407, which is across the street in another precinct ?—A. I can't say anything about Mr. Thomas Morris registering and voting from 3404 ; but I found that the only Thomas Morris that had ever been around there lives at 3407, and has for two years. In all probability this is another typographical error.

Q. There is only one Thomas Morris in that neighborhood ?—A. That is all I could find.

Q. You made search for them ?—A. Yes, sir ; I went to Samuel Goetz's, across the street, and inquired for him, and they told me they had never heard of any other man by that name around that place.

Q. You did not find any James Haine at 223 Howard street, but you found a man there by the name of James O'Hara, who had lived there four years ; and you furthermore discovered the fact that no man of the name of Haine had ever lived there ?—A. I did, sir.

Q. And you found no man of the name of Mike Byrne at 1411 North Seventh street, but you did find a man by the name of Mark Byrne there, who told you that he had lived there since the first day of last September ?—A. I found a person—I can't say whether it was his wife or his mother—and she told me that his name was Mark Byrne, and that he had been living there since the first of September. I have no other information.

Q. You inquired for Mike Byrne, did you ?—A. Yes, sir.

Q. And you found nobody of that name there ?—A. No, sir ; there is nobody by that name there. Mark Byrne is there.

Q. You are led to believe that Mark Byrne when he registered himself, did so as Mark Byrne, but that the Democratic city officials, or the Democratic type-stickers, read it Michael Byrne ; it was a typographical error ?

Mr. DONOVAN. I object to that question, because the name is not written Michael, but Mike, and it is quite probable that this contestant, on the last day, in the Valley of Jehosaphat, will try to ascertain why it was that Mark was *not* christened Mike, and it will be decreed that

twelve letters of the alphabet shall fight against the other twelve letters so as to determine which is the proper letter in that man's name whether there ought to be an i or an a.

Mr. POLLARD. The counsel for the contestee ought to know, if he does not know now, that when the contestant visits the Happy Hunting Ground on the other side, he will find no man there by the name of Mike or anything of that character.

WITNESS. Well, I can't say whether it was a Democratic official or not, but the official that did it, I think, made a typographical error—that is, the type-sticker did—or the clerk made a clerical error, or something of that kind.

Q. You know, of your own knowledge, do you not, as you have testified this morning, that the letter carrier was personally acquainted with this man Mark Byrne?—A. No, sir; I do not know that, sir; I testified that when they first came there they had some trouble in receiving their letters, but that they now received everything that was addressed to them—to Byrne at that house.

Q. And you did not find Lonis Sweeney, 1438 North Seventh street, but you did discover that he had left there some time last February?—A. Yes, sir; I found that he had left there in February, 1881, but he had lived there seven months previous.

Q. You found that Peter Gibbons did not reside at 1327 North Seventh street, from which place he had registered and voted on election day, but that he did reside at 1320 North Seventh street, which is on the other side of the street?—A. I found that he did not live at 1327 North Seventh street, but that he did live at 1320 North Seventh street. I have testified to that once before.

Q. You learned from some source, upon making inquiry in some place, of some man or woman or some child, that a man named Mike Shallow who had once lived at 1235 North Fifth street had moved away from there immediately after the election, like all the rest of those people in that locality? He did not move before the election?—A. I found out that Mike Shallow lived there before, on, and after the election, and that he boarded with Mr. Lauff at the Saint Lawrence Hotel; he lived there in all about a year.

Q. From whom did you get that information?—A. From Mr. Lauff, the proprietor of the hotel—of the Saint Lawrence Hotel.

Q. Did you learn when he left there?—A. I learned that he left after the election.

Q. But you don't know whether it was the first day after the election or three months afterwards?—A. I can't tell whether it was three hours afterwards.

Q. Did you go to Seventh street to find Mike Grady who had formerly lived at 1225 North Fifth street?—A. No, sir; I did not.

Q. You did not take that trouble then to ascertain whether the information which you got there at that house was correct or not?—A. I didn't think, sir, that it was necessary.

Q. But you did not go and do that?—A. No, sir; I did not.

Q. And the only information that you got there was that he had formerly lived there, in that number, but that he had moved like all these other gentlemen immediately after the election?—A. My information is that he—

88 Mr. DONOVAN. (Interrupting.) I object, for the reason that this witness has not stated that these men moved immediately after the election; but the witnesses that the contestant had in his own behalf testified that nearly every man had moved months prior

to the election; now this witness was called on the stand to testify as to whether or not that was the truth.

Mr. POLLARD. This witness was seemingly called on the stand to prove that they all moved immediately after the election, instead of months before; that is the purport of his testimony as to two-thirds of the names he has been questioned about.

Q. You found a man living at 1239 North Seventh street by the name of John Brodley, did you?—A. I found John Brodley living upstairs at 1239, where he had been living for eight months.

Q. Did you find any man living at 1237 named John Bradley?—A. No, sir.

Q. Did you inquire for a man named John Bradley?—A. No, sir; I inquired for a man named John Brodley, and found him at 1239, upstairs.

Q. Did you find out whether John Bradley ever had lived at 1237?—A. They informed me at 1237 that he lived next door.

Q. You did not inquire at any other place than that for John Bradley?—A. I did not, sir.

Q. And don't know, of your own knowledge, whether he ever had lived in that neighborhood?

89 Mr. DONOVAN. I object to any further inquiries in regard to that name; it is so plain a misreading of an o for an a, that I am ashamed to see the effort the counsel for the contestant is making to build a mountain out of this tiniest of mole-hills.

Mr. POLLARD. This is another one of the numerous typographical errors made by Democratic officials, and injected into this case for the purpose of manufacturing two votes for the contestee. His whole case is based on such errors; his entire claim of 197 majority, be the same more or less, is made up of these typographical errors.

Mr. DONOVAN. I object to this infringement on my patent.

By Mr. POLLARD:

Q. You learned also that R. W. Higgins, 1229 North Seventh street, had moved away from there immediately after the election last November?—A. No, sir; I found that he lived there, and moved January first—about January first.

Q. And you found that Martin Higgins, who lived at 1227, the door adjoining 1229, had likewise voted on election day, and then, with all the other individuals in that neighborhood, had immediately taken his departure for parts unknown; you did not, in this instance, nor in any instance, go to see any of these gentlemen whose names you have given, to corroborate the statements which you had received from persons in that neighborhood?

90 Mr. DONOVAN. If the counsel for the contestant admits that the first of January comes immediately after the election, let his admission go of record in this case.

Mr. POLLARD. I make no admissions whatsoever in this case; the gentleman and the witness are full of assumptions and admissions; they are assuming the case of a man voting twice, that one of his votes is a typographical error; and that where a man votes on a dead man's name, or a vacant lot, why, that is a typographical error, and the vacant lot ought to have a house on it, and the man ought not to have died, but ought to be alive and living in that house, and ought to have voted for the contestee; if these are not facts, they go on the hypothesis that they should be facts; and therefore I say that their case is based exclusively on assumptions.

Mr. DONOVAN. Whereas, in point of fact, the dead men that did vote on election day voted for Mr. Sessinghaus, and whereas, in point of fact, the people that voted from vacant lots, and who voted twice, all voted for the contestant in this case, Mr. Sessinghaus, and not for Mr. Frost.

Mr. POLLARD. That may be a fact, but the evidence in this case absolutely disproves it; all the dead men who voted, or on whose names votes were taken, voted for Mr. Frost.

91 Mr. DONOVAN. If the committee are not already disgusted with this trash, it will be a matter of great surprise to me.

WITNESS. I found that Mr. R. W. Higgins lived at 1229 North Seventh street, and moved away January 1. I further found that Martin Higgins lived at 1227 North Seventh street, and he also moved away January first.

By Mr. POLLARD:

Q. Now, you found that C. N. Lester moved away from 3502 Broadway to 3507 Broadway, immediately after the election, and that after residing awhile at 3607 Broadway, he had moved to West Saint Louis?

—A. I found that he had lived there on and before the election day; then he moved to 3507 Broadway; and then, some three months ago, he moved to West Saint Louis.

Q. Is that all the information you have about Mr. Lester?—A. That is all, sir.

Q. You have no information, except that which you have read?—A. No, sir; that is all.

Q. And you cannot state, of your own knowledge, whether or not he moved away from 3502 Broadway a year before election day?—A. Well, I can state from my information that he did not move before election day, because he lived there on election day, according to my information. He lived there before and after election day; then he moved to 3507 Broadway.

Q. Will you tell me again whether you have any information, except that contained in the answer which you have given me to my question concerning Mr. Lester?—A. That he lived there on and before and after the day of election; that is all the information I have.

92 Q. You have no other information, except that which you have given me in answer to my first question concerning Mr. Lester?—A. That is all; I have no other information besides.

Q. Now, isn't it a fact, Mr. Tate, that you went out to make this canvass in this district for the express purpose of keeping each and every name of the six hundred whose names you had on your list when you did go out to the places designated on your list, they all having registered and voted from such places—isn't it a fact that you went out for the express purpose of keeping those names on your list until after the election day at least, if not longer?—A. No, sir; that was not my purpose.

By Mr. DONOVAN:

Q. Nor did you testify that you had six hundred names to investigate?—A. No; I did not testify to that.

Q. You do not know how many names you had to investigate?

Mr. POLLARD. I object to that question as leading.

WITNESS. I said that all I had was between one hundred, and, perhaps, five hundred—five hundred or six hundred.

By Mr. DONOVAN:

Q. You never counted them, and don't know?—A. I never counted them, and don't know.

Q. Did you vote on election day?—A. I did not, sir.

Q. So that any bets you made do not affect this controversy?

93 —A. Well, speaking of bets, I was in Mr. Sessinghaus's presence once when he said if this committee did not seat him in Congress after hearing this testimony, he would have the whole committee arrested. I stated to him that I would like to bet him a new hat that he wouldn't have them arrested. That is the only bet I can recollect. That took place in William Hager's saloon, on the corner of Fifth and Carr streets.

By Mr. POLLARD:

Q. Now, what did you mean, in answer to my first question—about the first question I put to you—whether you had made any bets. You said, "Yes, sir;" that you had made some. What did you mean by that?—A. I meant by that that I had made several bets.

Q. On the result of the election?—A. Yes, sir; I did.

Q. Now, you state that this bet that you made with Mr. Sessinghaus was the only bet that you made?—A. No; I didn't say that; or, at least, I didn't mean it just that way. I was not speaking of making bets then.

Q. Wasn't this a bet with Mr. Sessinghaus?—A. This was an offer to bet; and, furthermore that was long after the election, since the contest began, and while they were taking evidence before Mr. Kraft.

Q. And you swear now that this contestant, Mr. Sessinghaus, in your presence, proposed to have this Congressional committee arrested if they did not seat him in six days after the close of their
94 investigation of the facts in this case?—A. I do, sir; not only in my presence, but that of others.

Q. I will ask you who were present with you when that observation was made?—A. The proprietor of the saloon.

Q. What is his name?—A. William G. Hager.

Q. Where does he live?—A. On Carr street, near Ninth street.

Q. Where is his saloon?—A. Fifth and Carr streets.

Q. Give us the names of some of the other gentlemen who were present and heard this remark made by Mr. Sessinghaus?—A. I can't remember all the names, sir.

Q. Give me the name of one, if you can?—A. I can't remember them.

Q. When was that conversation?—A. That was in your forty days, some time when you were taking testimony. We all got into a heated argument when this thing occurred. I had bet on the election because I had no vote. I knew Mr. Frost would be elected; I knew he had been elected before by a tight and good majority, and I felt confident that he would be elected again; and in that view I thought I might as well make a little money out of the thing as not.

Q. I wish you would tell me in what month this conversation took place at this saloon on the corner of Fifth and Carr?—A. I think it was the latter part of January or the first part of February; either January or February.

95 Q. Was it in the day or in the night-time?—A. In the evening, between six and ten o'clock, some time.

Q. In what business were you at that time, in that saloon?—A. I was on no business; what I was doing there—I dropped in there like any other person; what do you go into a saloon for?

Q. I prefer to have you answer my question, sir.—A. I walked in to see some of my friends.

Q. Were you on any business then connected with this contest ?—A. No, sir; not that I know of.

Q. Did you see any of your friends there ?—A. I was waiting there for friends; I saw Mr. Sessinghaus there.

Q. Who else, now, did you see there at that time besides Mr. Sessinghaus and Mr. Hager ?—A. Oh, yes; Joe Vance, the "Broadway liar."

Q. What is Mr. Vance's business ?—A. Horse-jockey, trader and dealer.

Q. Was there anybody else there besides yourself, Mr. Sessinghaus, Mr. Hager, and Mr. Vance ?—A. I don't know. I can ask Gus (Sessinghaus) how many were there that night; some five or six, I know, were standing around the counter; we all got hot and excited in our conversation; I said I was sorry the contest was begun, that I didn't think that Mr. Sessinghaus would ever be seated, and it would be very expensive to him. He said he thought he might as well let the boys have some fun.

96 Q. You don't remember anybody else that was there ?—A. No; I don't remember all the names; it was some time ago.

Q. That was on or about the last day of January ?—A. No, sir; not just that exact date; it was in the month of January or in the month of February; one of those months.

By Mr. DONOVAN:

Q. Mr. Sessinghaus is here while you are giving this testimony ?—A. Yes, sir.

By Mr. POLLARD:

Q. You know Mr. Sessinghaus well ?—A. I do very well; we are neighbors; my house is right around from his mill; if he ever runs for Congress again, and is not running against Mr. R. Graham Frost, he will get my earnest work and vote.

By Mr. DONOVAN:

Q. What was the extent of your bets ?—A. I have twenty dollars up with one gentleman; he drew. I had a bet with a gentleman in the Sessinghaus mills—a bet of twelve dollars to ten dollars that Sessinghaus would get elected; and some other gentleman I had a bet with—threedollars even; it was in all about thirty-five dollars or forty dollars, I guess.

Q. Did you have any other bets than those you have enumerated ?—A. Not on Mr. Sessinghaus's election.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Monday, April 4, 1881, then to be continued at the same place, at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 44.



Pursuant to adjournment as above stated, on the fourth day of April, 1881, at the hour of ten o'clock of the morning, parties met and announced themselves ready to proceed; but owing to absence of witnesses, no testimony was taken, and by request the further taking of depositions in this cause was adjourned until day after to-morrow, Wednesday, April sixth, 1881, (to-morrow, Tuesday, April 5th, 1881, being election day for city officials), then to be continued at the same place, at the hour of ten o'clock of the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

Pursuant to adjournment as above stated, on the 6th day of April, 1881, at the hour of ten o'clock in the forenoon, I continued the further taking of depositions in this cause, as follows:

- 1 Monday, April 4th, there were no witnesses.
Tuesday, April 5th, was election day, and we had no session.

WEDNESDAY, April 6.

E. C. JONES, being produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your name?—Answer. E. C. Jones.

Q. How old are you?—A. I was fifty (50) last August.

Q. How long have you lived in the city of Saint Louis?—A. I have lived here since 1852, fall of 1852; I came here in the spring.

Q. What is or was your business?—A. Well, I am an old bank clerk; bookkeeper by profession.

Q. How long have you been a bank clerk?—A. Altogether about twenty-two years; thirteen in one place and nine in another; twenty-two years altogether; about that.

Q. Were you employed by me in any respect in the last month?—A. I was.

Q. What to do?—A. To see if could find the parties mentioned in this list; to see if they were at those places; to find out all I could about them; I had two or three certain lists.

Q. To find out whether they lived there or not?—A. To find out whether they lived there or not; to see if they were at those places.

2 Q. Did you examine the names on different lists?—A. I did.

Q. Sometimes by streets and sometimes by lists?—A. Yes.

Q. Well, take up a couple of names on Michael Reilly's list. Mr. Michael Reilly, one of the witnesses for the contestant, reported as having moved a year ago one John Duddy, 822 O'Fallon street; did you look for that gentleman?—A. He had it down as John Duddy—

By Mr. POLLARD:

Q. I see, Mr. Jones, that you are reading from a paper in your hand; who made the paper which you have there?—A. I can't say who made it.

Q. Who wrote it?—A. can't say who wrote it. The memorandums here were made by myself. When I would go to these places if I didn't find these parties I would make my memorandum on this list. These are the lists I took with me.

Q. Those are the identical papers you took with you?—A. Yes, sir; and the memorandums I made.

Q. When did you make those memorandums?—A. I would make the memorandums, sometimes only a few words, immediately at the time of inquiry, which I would carry out in the margin, out here; then, when I got home, may be I wouldn't have time before that, then I would fill it out and write it out fully.

Q. You would fill it out afterwards when you had the time?—
3 A. In the evening of that day, as soon as I could complete it. But you see I would make a memorandum in the margin out here at the time of making the investigation, and would be governed by that.

Q. And that memorandum which you made on the spot you have since, at your convenience, written out?—A. Yes, sir.

Q. And that is now the paper which you hold in your hand?—
A. These are the papers I had when the memorandums were made; these are the same memorandums I made, to the best of my knowledge.

Q. Well, they are the same memorandums which you made, some of them on the spot at the time, and others were subsequently extended at your convenience, from memorandums made on the spot?—A. Yes, sir. Well, perhaps, I didn't make it on the spot at the time, but in that neighborhood. After making the inquiry I would put down a little memorandum so as to govern me afterwards when I completed it.

Q. And this paper which you now have is such completed memorandum?—A. These are the ones.

Mr. POLLARD. I object to the witness reading from those papers for the reasons heretofore given in objections to several witnesses of a similar character, who have read from memorandums.

By Mr. DONOVAN:

Q. You have got all your memorandums there, marginally and
4 otherwise?—A. Yes, sir; I have them all here.

Q. The memorandums that you made at the time are on that paper?—A. Yes, sir; in the margin.

Q. In full?—A. Yes, sir; in full; and filled out here in ink over the pencil, exactly over the pencil.

Q. Well, in regard to John Duddy, he was reported by Michael Reilly as not living at 822 O'Fallon street. What information did you receive in regard to Mr. Duddy?—A. I went to 822 O'Fallon and found that he had moved and has been living in a building numbered 724 O'Fallon street since October. His name is John Duddy; in the list they had it Duddy; it is the same man probably.

Q. Well, he reported that there was no such man there as John Horan at 908 Biddle street. What did you find out on visiting the place?—A. John Horan lives in the rear of 911 for over six years; that was the information I found out.

Q. How could Mr. Reilly report this man as not found in such a case as that?

Mr. POLLARD. I object to that question, because the record shows, and we have it right here now in our hand, that the witness did not testify to that state of facts at all; he testified that he had lived at 911

Biddle street; I will show it to the counsel for the contestee right here on our books if he desires to see it.

5 WITNESS. Well, I can't say how he could do it; I know that I found it. I was directed to the place and I went to the house. I was told it was a house in the rear—well, probably you might call it a yard, or something back there.

By Mr. DONOVAN:

Q. Is this Mr. Reilly the same man who has been recently indicted by the grand jury for murder in the first degree?

Mr. POLLARD. I object to that as irrelevant and incompetent.

WITNESS. Well, I can't say. I saw in the papers that Mr. Michael Reilly had killed a man or something of the kind. Whether this is the same man, I can't say.

By Mr. DONOVAN:

Q. Have you got Henry Rohlfing's list? Please turn to that and inform me what report you make in regard to the name of James Coyle, 1127 North Twelfth street, reported by Rohlfing as not known?—

A. Mr. James Coyle I found living there over one year.

Q. The same gentleman reports James Moran, 1108 North Thirteenth street as not known. What is your information?—A. I found him not at 1108, but in the rear of 1118 North Thirteenth street, where he has been living since last September.

Q. Well, here is Mr. Dichmar Lilburn, 1201 Cass avenue. Now, what is the difficulty in regard to that name?—A. There is no such party as Dichmar Lilburn that I could find at 1201 Cass avenue. There is a Phillip Deuker living at 1201 Cass avenue for ten years. That house was torn down in December. He moved December 28th, 6 and now lives at 1627 North Market street. I took the trouble to go to the house and obtain the information.

Q. Is that a mistake, or not, in that spelling of that man's name?

Mr. POLLARD. I object to that question, because this witness cannot possibly answer that question; he doesn't know whether it is a mistake or anything about it.

Mr. DONOVAN. If he talked with the gentleman he might find out; I don't know whether he did or not, but just let us ask the witness for information.

Mr. POLLARD. I object to that, any such question, because Mr. Phillip Deuker cannot possibly tell whether Mr. Dichmar Lilburn spelt his name right or wrong.

WITNESS. Well, I couldn't find Lilburn Dichmar, but I found Mr. Phillip Deuker, and he had lived for ten years or about ten years at 1201 Cass avenue, and the house was torn down in December.

By Mr. DONOVAN:

Q. Well, the same gentleman reports as not known E. D. Mahe, 1102 Carr street; what is your report?—A. In the list I have it Ed. Maher, 1102 Carr street; I went to 1102 Carr street—in other words it is called 1102 Carr street—and I found that Edward Maher lived there since July; the entrance is called 1102 Carr, but there is no number there that I could see; but it is called 1102 Carr street; he has lived there since last July.

7 Q. Well, this same gentleman finds some difficulty in regard to James Flintin, 1022 North Thirteenth street, and dutifully reports that this gentleman is not known; how do you spell that man's name, and what did you ascertain in regard to him?—A. The list says

James Flintin, 1022 North Thirteenth street; I did not find any such party at that number; but I found Mr. James Fenton, who lives in the rear of 1022 North Thirteenth street, for eight years; I didn't find the Flintin, but I did find James Fenton.

Q. Well, this efficient deputy reports as not known H. B. Stubbs, not residing at the southeast corner of Twelfth and O'Fallon street; what is your report?—A. H. B. Stubbs, southeast corner of Twelfth and O'Fallon streets; has lived there for three years, and still lives there.

Q. Well, another of the typographical features of this case crops out in the name of James Weinecke, 1231 North Eleventh street; the report is "not known"; how does that gentleman spell his name, and what did you ascertain in regard to him?—A. James Weinecke, 1231 North Eleventh street; I found that a Mr. Jonas Weinecke has lived in the rear of 1231 North Eleventh street for four years, or five years. Whatever way you pronounce that last name, his first name is Jonas.

Q. This same man recklessly reports George Sandt, 1411 North Eleventh street, as not known in that neighborhood; what is the result of your investigation?

Mr. POLLARD. I object to that, because the testimony shows that the witness who testified concerning this name did not testify reck-
8 lessly, but that he testified with the utmost care and caution.

By Mr. DONOVAN:

Q. Please tell us what care and caution he exercised in regard to that name.—A. I found that a Mr. George Sandt lived in the rear of 1411 North Eleventh street for eleven years; it is a building that sets back of a school; this Sandt, as I understand it, is the janitor, and has lived there for twelve years, or over eleven years in all.

Q. For some accountable reason he reports as not known Joseph Kirchen, 1411 North Eleventh street; what is the truth of the matter?

By Mr. POLLARD:

Q. I see, Mr. Jones, that you are reading from a book in your hands; when was that memorandum made in that book?—A. This is only a special memorandum made about this name.

By Mr. DONOVAN:

Q. As to whether it is an n or an r?—A. Yes, sir.

By Mr. POLLARD:

Q. When was that memorandum made?—A. It is only a special memorandum that I got on inquiring for this name.

Q. When was that memorandum made in that book?—A. That was made; well, maybe, a week ago.

Q. When was this investigation made in regard to Mr. Kir-
9 chen's residence?—A. That was made—I don't remember the date—but it was after the tenth of last month.

Q. That was some month ago?—A. Yes, sir; it is since the tenth of last month, when I commenced for Mr. Donovan.

Q. Between the tenth and what other date?—A. It might be between the tenth and the twenty-fifth, say; I don't know particularly what day.

(Then I object to the witness refreshing his memory by the memorandum, for the reason heretofore stated.)

By Mr. DONOVAN:

Q. Why do you turn to that book in regard to the n or r of that man's name; did you make some special investigation in regard to it?—A. I

went there after I had received this information; I was not satisfied, so after I had looked over the list I thought I would go again and see if I had the name right, and I had it right; that is all I went there for.

Q. What did you ascertain in regard to this Mr. Kircher, reported by this man as not known?—A. I ascertained that he lived in the rear of 1411 North Eleventh street for eleven years, in the same house with Mr. Sandt.

Q. You found the gentleman living there twelve years?—A. Yes, sir, and probably more; when I went back the last time the lady told me it was probably more than that, and I put it down as twelve years, as I had it at first.

10 Q. How is it possible for Mr. Rohlfing to report that this man was not known there when he has lived there for twelve years?—A. I can't understand it; I understood from him that he received letters and had received his mail there; I didn't see any number, but they received their mail matter there.

Q. But there is no question about the fact that they have been living there for eleven or twelve years?—A. That is what I asked them, and they replied after that fashion; they are school janitors there, I think.

Q. What did you find out in regard to Michael Lynch, at 1426 North Fourteenth street?—A. I did not find him at 1426 North Fourteenth street, but I found him living at 1426 North Thirteenth street for two years next June.

Q. The same gentleman swears that James Moraney or Maloney, 1323 North Eleventh street, is not known; what is the truth in regard to that?—A. I found James Maroney has lived at 1323 for two years; it is in the rear of a lot; there is a wood and coal yard or something in front there; but in the rear there is a house, in the rear of 1323; I took the trouble to go and look at the figures on the door; the figures are large enough to be seen.

Q. Well, he is certainly known there, is he not?—A. I should judge so; he has been living there for two years.

11 Q. The same efficient gentleman reports in regard to James McMahon, 1438 North Fourteenth street; where did you find that gentleman living; what are the typographical features in regard to this case?—A. I found James McMahon has been living in the rear of 1418 North Fourteenth street for three years in the same house.

Q. Well, this witness contented himself with reporting William C. Delorgey as having moved three years ago from 1810 Benton street; now, where in that neighborhood did you find that gentleman?—A. I did not find William C. Delorgey at 1810 Benton street, but I found that a Michael C. Delorgey has lived one year next June at 1812 North Market street.

Q. Which is still in the same block?—A. North Market is a street south, I think, of Benton, if I am not mistaken. Michael C. Delorgey formerly lived at 1810 Benton street, but has been living at North Market, it will be a year next June.

Q. What report have you to make in regard to Lawrence Flynn, 1022 North Fifth street?—A. He has been working for two years at 1102 and 1104 North Fifth street; it is a stable.

Q. The same man reports Eli O. Chase as not known at 1024 North Fifth street; what is your information?—A. I didn't find him at 1024, but I found him at 1102 and 1104, at that stable, and he told me that he had been living at 1021 North Fifth street for four years. His place

of business is at 1102 and 1104 North Fifth street; he gave
12 information to me himself; said that was his name.

Q. Well, he moves away from 1027 North Fifth street; one
enough, putting his removal some three years back; what is the
in regard to this gentleman?—A. I didn't find him at 1027, but I
him at the southwest corner of Fifth and Carr streets, where I
been living for four years. That was the information given to
Mr. Chase.

Q. That is right in the neighborhood there?—A. Yes, sir; right
neighborhood; it is a little west from the corner—kind of cat-a-corner.
Mr. Chase gave me the information—that is, he boarded the
might have slept there on the southwest corner of Fifth and Carr
for four years.

Q. Well, John Dowling is not known in the neighborhood of
North Eighth street, according to this gentleman; what is your
—A. John Dowling lives at 1419 North Eighth street, since the
of last summer.

Q. That is next door?—A. That would be next door; 1419 is
I found him.

Q. He is known about there?—A. He must be, when I found
I had no trouble in finding him.

Q. Well, John Wood is not known in the neighborhood of 1323
Ninth street; what is your report?—A. I didn't find him at
13 North Ninth street, but I found John Wood in the rear of
North Ninth street, where he had lived for about twenty

Q. Is that the adjacent block?—A. Yes, sir.

Q. Well, if he had lived in that neighborhood for about twenty
he ought to be known?—A. He ought. His mother gave me the
information. He is a young man, probably twenty-five or twenty-
years, or something like that.

Q. Born and raised in that neighborhood?—A. I put it down
to be sure, as twenty years.

Q. She told you more. Did she tell you that she had lived
longer?—A. Yes, sir; she said she had been living there about ten
five years. I put down twenty years so as to be sure. She had
living in that same house, and of course in that same neighborhood
put it down as twenty years.

Q. Well, T. McCormack, according to this man, is not known at
North Ninth street; what did you ascertain?—A. He is living at
since July, 1880.

Q. Thomas Hoolahan is conveniently moved, before the election
from 901 Biddle street; now, when did he move?—A. I found him
at 901 Biddle, but at 1617 Biddle. He had lived at 901 Biddle
three years, and moved from there on the fifth or sixth of Novem-
ber. As I say, he is now living at 1617 Biddle street. I got this in-
formation from his wife. I suppose it was his wife.

14 Q. So when that man moved it was after the election?
Yes, sir; because it was the fifth or sixth of November. I
to see whether he had moved before the election, and that was
the answer I got.

Q. What did you learn in regard to Ben. Brady, 1112 North
Eleventh street?—A. Well, I found that he had lived in the rear of
North Eleventh street a year, and that he moved in December or
January.

Q. The same man says that Lewis Sherman is not known in
neighborhood of 1210 Carr street; where does he live?—A.

there, and there was no such party living there; but there is a Lewis Sherman lives at 1012 Carr street, and has for three years, or perhaps four years.

Q. That is just a transposition of the numbers?—A. I take it that that is just a transposition of the numbers. Yes, sir; it was not at 1210 that he lived, but at 1012 Carr street that I found him. He had been living there for three or four years.

Q. The letter carrier, who ought to be accurate and full in his information, simply reports in regard to Charles Redfern that he moved from 2019 Division street, and just stopped there in his testimony; now, where does he live?—A. Charles Redfern, 2019 Division street. He formerly lived at 2019 Division street, but since last May he lives across the street, at 2018.

15 Q. The letter carrier might have gathered that information as well as yourself?—A. He could have found it just as well as I did, because I was a stranger up there.

Q. The same letter carrier reports as not known, although it is on his route, one John Scanlon, 1425 North Eighteenth street; now, how close to that does he live?—A. John Scanlon, 1425 North Eighteenth street; did not find him there, but found him at the house numbered 1431 North Eighteenth street; was told that he had been living there for five years.

Q. 1431 is but a few doors—three or four—from 1425?—A. Yes, sir; about three houses; it was just simply from 25 to 31.

Q. The gentleman could have made the same report as you do here, could he not?—A. He could have made the inquiries the same as I did. I didn't find him at 1425, but learned on inquiring for that name that he lived at this other house.

Q. Which is three or four houses away?—A. I found it there.

Q. I say, it is only three or four houses away?—A. It couldn't be more than that; the numbers would be 1425, 1427, 1429; it couldn't be more than three houses away.

Q. It was on the same street, the same block?—A. The same street, the same block, and on the same side of the street.

16 Q. And you say he had been living there for five years?—A. Five years.

Q. Well, this same letter carrier stops short with John Ready, 1705 Cass avenue, contenting himself with reporting "no house;" what is your information?—A. I didn't find him at 1705; there is a building or manufactory on the corner, but I found that he lives in the rear of 1715 Cass avenue, since July.

Q. That is on the same block?—A. That is on the same block.

Q. And there is another typographical error there of making a 1 into an 0; doesn't that appear to be the case?—A. It might have occurred in that way.

Q. Well, another letter carrier by the name of Martin Murphy, pursuant to instructions reports as not known, Michael Hickey, of Twenty-second and Biddle street; what is your information?

Mr. POLLARD. I object to that question because it is a misstatement of the facts; it is a repetition of the same statement made heretofore by the contestee's counsel, that these letter carriers made these reports in pursuance of instructions, and he is endeavoring to convey the impression that they were instructed to report as they did report, when the fact is in regard to the letter carriers, in regard to each and every one of them, that they swore that at the time they offered these circulars at these various places, they *did not know the object of making such offer*; that

when they came on the stand they gave the exact facts; that
 17 many of the letter carriers were Democrats, and would not in any instance have made any report on any name in their lists in derogation of any right of Mr. Frost; that this man, Martin Murphy, is not only a Democrat, but is an active politician, and whatever testimony he gave would not have been given had it prejudiced his own interests, or in any way interfered with the rights of Mr. Frost.

Mr. DONOVAN. If the gentleman was a Democrat, he had all the more fear of being removed from office, and therefore would desire to bring in more favorable reports, and would give in reports just such as were wanted by these people who gave these infamous instructions to the letter carriers, and it was all the more necessary for him to save his scalp that he should bring in favorable reports, true or otherwise, and the evidence will show that as we progress.

Mr. POLLARD. The testimony of Mr. Martin Murphy, was that he made this investigation, and the report was made then and there at the time without knowing that there was any political significance whatever attached to it; and that he testified, when he did testify, exactly in accordance with the facts as he had ascertained them at the time he did this work; and, furthermore, it is a well-known, and well recognized fact here in Saint Louis, that the employes of the Saint Louis post-office are very many of them Democrats, and that no man has ever been removed except for doing that which was not right.

18 Mr. DONOVAN. Well, either the letter carriers are woefully biased and hide-bound with instructions or they are the most stupid set of men that are engaged in the postal service; this is apparent by this gentleman reporting Michael Hickey as not found at Twenty-second and Biddle street; what is the truth of the matter?

Mr. POLLARD. I object to the question because it is prefaced with a statement which is not borne out by the facts of record in this case; the record shows that these letter carriers received no instructions which intimated in the slightest that they were to do anything except what was exactly right, and that their instructions did not lead them to believe that there was any political matter in it; that each and every one of these letter-carriers and especially Mr. Murphy, were bright and active men, and that they were truthful and accurate.

By Mr. DONOVAN:

Q. How truthful was Mr. Martin Murphy in regard to Michael Hickey? Will you allow the witness to answer the question?—A. I found that he lives on the northeast corner of Twenty-second and Biddle street with his son-in-law, named O'Brien.

Q. Well, he reports as not known Michael O'Hern, Twenty-fifth and Dickson; now, did you find him?—A. I found that Michael O'Hern lives on the southeast corner of Twenty-fifth and Dickson street; lived there two years last December; I put down here about two years.

19 Q. Do you know how long Martin Murphy has been traveling that route as a postal carrier?—A. I do not.

Q. Could he not have obtained that information as well as yourself?—A. He could, I should think.

Q. Hadn't he greater facilities for obtaining this information than yourself, you being a stranger in that locality?—A. I was a stranger, but I followed this man up; I didn't find him on the northwest corner; but I learned on that corner that he was on the southeast corner.

Q. And you found him?—A. Yes, sir; I found him on the southeast corner; I found his house.

Q. Now, endeavoring to tell half the truth, he reports Michael Queenan, 2319 O'Fallon street as not living there because that house is torn down; what are the facts in regard to that case?

Mr. POLLARD. I object to that question because it is prefaced by a statement which is not true; this witness who testified concerning Mr. Queenan certainly not only endeavored to tell a part of the truth, but the truth, the whole truth, and nothing but the truth, in regard to every question which was put to him; and the counsel for the contestee pressed him in cross-examination covering several hours, and asked him every conceivable question concerning Mr. Queenan, which his imagination could suggest, and he pressed him with questions on every subject under the sun.

Mr. DONOVAN. Mr. Pollard evidently believes (what may be the fact) that the committee will not read this record. (To the witness.) Now, I will ask you to what extent his report was full in regard to Michael Queenan?

A. The information that I obtained was that he lives in the rear of 2309; his house was 2319, but has been moved to its present location; it is in the rear there, or in the yard of 2309.

Q. That is on the same block?—A. Yes, sir; same block; little west—this side; the house was moved probably after the 20th of November; the old number, I guess, you might find on the house yet; the house sets in the yard now, and of course the front of the house is not on the street, but is back in the rear.

Q. This letter carrier in traveling this route ought to be able to know the fact that a big house has been moved from one place to another, when he is traveling his route daily?—A. The house was large enough to see; it was a one-story house.

Q. It would take some little time to move a house to this place, would it not?—A. It is a vacant lot now up there; but the house was numbered 2319, the man lived there several years, lived there for about five years; I think that they did say that a shed was torn down, but the house was only moved a few lots this side; it was on this side, on the same side of the street—the north side of the street.

Q. But in the same block?—A. Yes, sir; the same block.

Q. This same letter carrier contented himself with making the report of "not there" in regard to J. C. Byrns, 2107 Carr street; that he was not there; where was he?—A. J. E. Byrns, or was it J. C. Byrns? the information that I obtained was that J. E. Byrns lives at the northeast corner of Twenty-second and Divison street, and moved from there to 2107 Carr street on the sixteenth of December, last; that was the information I received.

Q. According to this very efficient postal agent, John Casey is reported as "not there" at 2137 Biddle street; what is the truth of that matter?

—A. I find that he lives at 2137 Biddle street since last April—1880.

Q. This efficient letter carrier ought to have the same facilities of ascertaining that as you had?—A. I went right to the house and was told by a lady that was at the door—I don't know whether it was Mrs. Casey or not—but that was the information I obtained there.

Q. What are the typographical features in regard to the name of James Duvall, of 1111 North Twenty-fourth street?—A. Well, at that number, 1111 North Twenty-fourth street, I found that James A. Driscoll lives, at 1111, and has lived there since last May; I didn't find James Duvall, but I found James A. Driscoll, at 111, since last May.

Q. Charles R. Woolf reports, in regard to J. O. Moffett, 2713 North

Thirteenth street, that there is no such number. Where did you find that gentleman residing, and how long had he lived there?—A. J. O. Moffett—

By Mr. POLLARD :

Q. What paper are you reading from now, Mr. Jones?—A. This is the copy I made from the list; that I took off for my own information; I took this original one and made a copy of it; I don't see on the list just now where Mr. Moffett's name comes in.

Q. That which you now hold in your hand is a copy of something heretofore made?—A. A copy of the original.

Q. Where is the original?—A. I don't see it here.

Q. Where is the original was my former question?—A. I don't know where it is; it should be in the office.

Q. When was this copy made?—A. Well, probably within two weeks or so.

Q. How long after the investigation concerning the residence of Mr. Moffett?

WITNESS. This copy?

COUNSEL. Yes, sir.

A. Well, I don't remember now.

23 Q. Probably two or three weeks?—A. No, sir.

Q. Was this copy made before you finished your investigation of all these people?—A. No, sir; I think I finished that copy after the close of my investigation.

Q. Then this copy was made after the whole investigation was finished?—A. Yes, sir.

Q. And this investigation was commenced, you say, about the 5th of March?—A. I commenced, I think, on the 10th of March.

Q. And Mr. Moffett was investigated somewhere about that time?—A. After the 10th of March.

Q. And this copy which you now hold in your hand was not made until about the first day of this month?—A. Yes, sir; it was made before the first of this month, because I got through with that before—I don't remember what time; I don't recollect the dates.

Q. The last week of March?—A. No; it might have been two weeks ago.

Mr. POLLARD. Then I object to the witness refreshing his mind or reading from the paper which he now holds in his hand, which he has just sworn was not made at the time of the investigation, and is only a copy of something theretofore made by him; and I also object for all the other reasons heretofore set out in this record.

24 WITNESS. This is a copy of the list made out by me simply for my own convenience to look at. (To Mr. Donovan.) I see there are other lists than mine that you have copied here.

By Mr. DONOVAN :

Q. What did you find out in regard to Mr. Moffett?—A. 2713 North Thirteenth street; J. O. Moffett lives at 2713 North Fourteenth street, and has for over twenty years; I did not find him at that number on Thirteenth street; I did find him at 2713 North Fourteenth street.

Q. Where he had been living for twenty years?—A. Yes, sir; that is, at 2713 North Fourteenth street.

Q. Well, the same gentleman says that M. Nolan does not live at 1330 North Thirteenth street, and contents himself with giving that partial information. Where does he live?—A. I found him at 1331 North Fourteenth street, where he has lived since last spring.

Q. An unbiased letter carrier, by the name of Edward Owens, contents himself with reporting "no such number," in regard to P. J. Connor, 3125 North Thirteenth street. Please give us the truth in regard to his case.—A. He lived in the same house for nearly fourteen years; there is no number on the house; it is the next house north of an ice-house on North Thirteenth street, and it is called 3201 or 3203—a few doors north of the ice-house; there is no number on the house, but it is called 3200 and something North Thirteenth street; there is an ice-house there; I don't suppose it has been built but a few months, and this house is next door north of that ice-house.

Q. One Otto Niehaus reports James Howard as not known in
25 neighborhood of 1307 North Sixteenth street. What is your information?—A. I found that he lived in the same house, 1307, since June last.

Q. Another of these gentlemen makes Mr. F. Sanders, No. 2814 North Sixteenth street, live elsewhere, moves him away from that place some seven months ago. What is your report?—A. Mr. Sanders, 2814 North Sixteenth street, has lived there two or three years.

Q. Well, another of them moves Mr. Barnhardt Epping away from 2419 North Sixteenth street. Where does he live?—A. I find that he lives at 2407 North Sixteenth street for eight months.

Q. Another of these Congressional cormorants swears that Pankrantz Herold was not known at Sixteenth street, between Salisbury and Mallinckrodt. What did you ascertain about that?

Mr. POLLARD. I object to that question, because it is prefaced by a statement which is not true, the fact being that all the cormorants in this case are on the side of the contestee.

WITNESS. Pankrantz Herold, west side of Sixteenth street, between Salisbury and Mallinckrodt; I found that he lives there, and has lived there about three years, and still lives on the west side of Sixteenth street, between Salisbury and Mallinckrodt streets.

By Mr. DONOVAN:

Q. A letter carrier by the name of Mr. Lingo moves W. B.
26 Eads, before the election, from 1527 North Seventeenth street.

What are the facts in the case?—A. He lived at 1527 North Seventeenth street about the first of November, and moved from there about the fifteenth of November, and now lives, I think, on Davis street somewhere.

Q. What are the typographical peculiarities in regard to the name of Mr. Freeman, 1237 North Seventeenth street?—A. I found that there was a John Frewer at that number, and has been living for five years, and still lives there; keeps a coal-yard, I believe, and still lives there.

Q. Lingo, the letter-carrier, reports, in regard to James J. Long, 1721 North Eighteenth street, that there is no such number. Where does that gentleman live, and what sort of a transposition has been made in his residence?—A. James J. Long has lived at 1217 North Eighteenth street since July 18, 1880.

Q. Mr. Woolf reports as a vacant lot the home of the Little Sisters of the Poor, and says, in regard to Thomas O'Brien and John Connelly, that they don't live there. What is your information? He has them freezing out on a vacant lot. What is the truth of that case?—A. I found that Thomas O'Brien lives at the house of the Little Sisters of the Poor over nine years; John Connelly lives at the house of the Little Sisters of the Poor over one year or two years.

Q. Well, William Jones is reported as not living at Eighteenth

27 and Mallinckrodt streets. What is your information?—A. I found that William Jones lived on the southwest corner of Eighteenth and Mallinckrodt streets, and has lived there some eight or ten months; moved from there December 10, 1880; he had lived on the southwest corner of Eighteenth and Mallinckrodt streets some eight or ten months.

Q. What typographical consolation does the contestant in this case receive in regard to the name of Jerry Sargee, Eighteenth and O'Fallon streets? How does the gentleman spell his name?—A. I found a Jerry Savage living at 1410 North Eighteenth street for two years; I know that the day I was there was the seventeenth day of March, because it was Saint Patrick's day.

Q. This same man, Woolf, makes John Miligan freeze on a vacant lot, when asked in regard to his residence at 1338 North Eighteenth street. Where did you find the gentleman?—A. I found that John Mulligan lives at 1328 North Eighteenth street for four years.

Q. He spells his name with a u instead of an i?—A. Mulligan, yes, sir; instead of Milligan.

Q. Well, this particular friend of ours, Manning—the man with the blue spot under his eye—reports as not known one Andy White, 1110 North Fourteenth street; what is your information?—A. I think he is a colored man; I found that he had lived in the rear at 1418 North Thirteenth street nearly two years, and a week after election moved away; it was after election times when he moved away.

28 Q. Well, Mr. Troxell is moved by this bird from 2607 North Twelfth street before the election; when did he move?—A. I found that a Mr. Troxell lived at 2607 North Twelfth street until about November 4; it was after the election; it says George T.; I found a Mr. Troxell there; I don't know whether his name was George T. or not.

Q. Well, Mr. Woolf reports J. C. Sarber as not living anywhere near Fifteenth and Madison street; what is your information?—A. I found that there was a John Sarber living on the northwest corner of Fifteenth and Madison streets; lived there nearly a year. That was the information I got; it was called the northwest corner; I couldn't tell what it was; they told me there it was the northwest corner.

Q. Well, you found out about the man there?—A. That was the information I obtained; that he lived there nearly a year.

Q. Well, my blue-spotted friend, Manning, moves John Wegman, 1024 North Fifteenth street, some three years ago; what is your information in regard to Mr. Wegman?—A. I found that Mr. John Wegman lives at the southeast corner of Fifteenth and Carr over one year.

Q. A letter carrier by the name of Drake, carefully concealing the full truth of the matter, contents himself with reporting "no such number," in regard to Thomas Taylor, 3157 West Division street; where does he live?

29 Mr. POLLARD. I object to that, because Mr. Drake, the letter carrier, testified that he had been on that route for many years, and was thoroughly familiar with not only the people that live there, but with all the numbers on his route; and he furthermore testified that at the time he made this investigation, and the memoranda from which he gave this testimony, that he had no knowledge or information concerning the object of making the attempted delivery of those circulars; and his testimony was full, was truthful, was correct; and *he was subjected to a searching cross-examination, and the counsel for*

the contestee failed to elicit any fact or evidence which in the least disparaged his testimony.

Mr. DONOVAN. If this investigation proceeds many days longer Mr. Pollard's opinion of these letter carriers will be so elevated that they ought to be canonized as saints; and not only this letter carrier, but all the balance of them. As to the strict cross-examination, an inspection of the record will show that such was not done, because it was presumed that the letter carrier was telling the truth, and the whole truth, when he did testify; it now turns out that they, these letter carriers, were far from it.

Mr. POLLARD. The record will show that there was a very strict cross-examination; and this record will show, also, that the letter carriers did testify to the truth, the whole truth, and nothing but the truth, overwhelmingly.

Mr. DONOVAN. Let us see what they did in regard to this man,
30 Thomas Taylor, reported by this gentleman as no such number, and stopping there.

A. 3157 West Division street; it is called some other name now; but I found that he is living at 3157, and has lived there for 11 years at that number.

Q. If, as Mr. Pollard says, this gentleman was truthful and had traveled that route for years, and this man lived there for eleven years, did he not have the same facilities of furnishing the full truth in regard to Mr. Taylor as you had?

Mr. POLLARD. I object to that question, for the reason that the question was never propounded to Mr. Drake as Mr. Donovan puts it; the question asked him was whether he attempted to deliver a circular at 3157 Division street to Mr. Thomas Taylor, and his answer was that Mr. Thomas Taylor did not reside at 3157 Division street, and never had resided there, which was a fact; but that on election day he had given that as his number and had registered from that place, a place where he never had resided; that he had voted for Mr. Frost, the contestee in this case, all of which was a fact that this man therefore voted twice, and the counsel for the contestee is extremely anxious to be benefited thereby.

Mr. DONOVAN. Well, knowing that this man had lived there eleven years, this conscientious letter carrier seeks to deprive the gentleman of his vote by intimating to this committee that there was no such
31 number, and that there was no such gentleman as Thomas Taylor living on that block, but that it was a mythical personage.

Mr. POLLARD. No letter carrier, on the part of the contestant, is in favor of depriving the contestee of one of the two votes that Mr. Thomas Taylor cast for Mr. Frost on last election day.

Mr. DONOVAN. The witness will please answer the question, if he can recollect what it was.

A. I went there a stranger and inquired at 3137, and that was the information that I obtained—that he lived there for eleven years.

Q. 3137 and 3157 are on the same block, are they not; and on the same street, on the same side of the street?—A. Yes, sir; it must be; it may be a vacant lot; but I know that at 3137 I found Mr. Taylor living.

Q. But it is on the same block; you found the gentleman on the same block?—A. Yes, sir; on the same block; 3137.

Q. And he told you he had been living there for eleven years?—A. Whether it was his wife or not, I don't know; but that was the in-

formation I obtained at the house; that he had been there for eleven years.

Q. Well, mincing the truth again, he contented himself with reporting as "no such number," in regard to W. J. Pentland, 3232 Sheridan avenue; where does the gentleman live, and for how long a time has he lived there?

32 Mr. POLLARD. I object to that question, because the witness did not, and the counsel for the contestee well knows it, mince the truth or give out a portion of the truth; he answered fully every question that was propounded to him, and indisputably so.

WITNESS. Mr. Pentland, 3232 Sheridan avenue; he has lived at 3146 for four years, or five years.

By Mr. DONOVAN:

Q. What did you find out in regard to P. H. O'Brien, reported by this same letter carrier; 1354 Garrison avenue, is the address here?—A. I was informed that P. O'Brien lived at 1354 in November, I don't know how long; the young lady told me so.

Q. Well, the same letter carrier saves himself a good deal of trouble, if he does no further damage, by reporting, as not known, R. O. Kingland, 3125 Division street—West Division street—what is the truth in regard to his case?—A. I was informed that he lived there in November.

Q. What pains did you take in obtaining this information, Mr. Jones?—A. I would go to the place indicated in the list—to the number—and if I didn't find him there, I would inquire at the next house, or if it happened to be a vacant lot, I would inquire at the nearest grocery store; if the party had moved I endeavored to find out where they had moved to.

33 Q. Mr. Jones, did I give you a partial list of the witnesses that were examined on behalf of the contestant in this case in order to locate them according to the precincts, and did you go to the city hall to ascertain what precincts they lived in?—A. Yes, sir.

Q. That is, the precincts they stated they lived in?—A. Yes, sir; that is the information I obtained at the office of the recorder of voters.

Q. Did I give you the official paper of the city—the Saint Louis Times—containing the names of voters who were stricken off by the board of revisers?

Mr. POLLARD. I object to that, because it is immaterial, and because the witness doesn't know, and cannot know.

WITNESS. You gave such a paper; you gave me this list, and some papers to compare with it.

By Mr. DONOVAN:

Q. What paper was it?—A. The Times.

Q. The Saint Louis Times?—A. Yes, sir; the Saint Louis Times.

Q. What did that paper contain?—A. That contained a list of names, and the numbers of the precincts.

Q. A list of the names of what?—A. Well, I suppose they were men stricken off from the list; parties stricken off the list; at least I supposed it was that.

34 Q. A large list of published names?—A. Yes, sir; a large list of the published names, according to the precincts—the number of the precincts given.

Q. Names that were stricken off by the last board of revisers?—A. Yes, sir; stricken off last fall—last October; some time along there; I think it was dated in October.

Q. Will you please look down this list of witnesses that were examined on behalf of the contestant, and report as far as you got the names that were found published in the newspaper as stricken off by the board of revisers?

By Mr. POLLARD:

Q. I want to ask you what that list is that you hold in your hand, and from which you are about to read?—A. "Roll of witnesses and abstract of testimony."

Q. You read your answer, what did you read it from?—A. A memorandum I made on the margin of this roll of witnesses.

Q. You read your answer to my previous question, what did you read it from?—A. I don't understand it exactly.

Q. The first question I have just asked you, you took up a certain instrument and read something from it?—A. Yes, sir; the roll of witnesses.

Q. That is printed on the outside of a memorandum which you have there in your hand?—A. Yes, sir.

Q. Who made up that memorandum which you have in your hand?

35 WITNESS. Do you refer to these names?

COUNSEL. Yes.

A. I don't know.

Q. Did you do it?—A. I did not.

Q. It is in writing?—A. It is in writing.

Q. And is made up, is it not, by the contestee's counsel, Mr. Donovan?—A. I don't know who wrote it.

Q. It was handed to you by him?—A. I obtained it from him.

Q. And it is a memorandum, is it not, made by him in the progress of the trial of this case?—A. I don't know who made it.

Q. Well, that is what it purports to be, does it not, a memorandum made by some one on behalf of the contestee, in the progress of the trial of this case?—A. I find a memorandum here of roll of witnesses; I don't know which side it was intended for.

Q. You did not make it?—A. I did not make it.

Q. And you don't know who did make it?—A. I don't know who did make it.

Mr. POLLARD. I object to the witness reading any answers from that book or memorandum which he now holds in his hands,

36 for the reasons heretofore given, a memorandum made by whom he knows not; it was handed to him by the contestee's counsel;

I object to it because it is not proper evidence in the case; I object to it because it is not a proper memorandum by which the witness can refresh his memory; and I object to it because the contestee cannot make testimony in this way; if this were allowable he might write up a hundred books, he might take up the city directory, as far as that is concerned, and inject it into this case, and ask this witness whether or not the whole lot of them, as set forth in that directory, white and black, male and female, old and young, voted for the contestee in this case, and seeking thereby to win his case; there would be just as much propriety in that case as in the mode now proposed to be pursued.

Mr. DONOVAN. I do not know why Mr. Pollard is so technical this morning. He is thoroughly at sea in his objection. The witness does not claim that he wrote all these names out of that book. I ask him whether or not he has compared these names with the printed sheets

that were furnished him—the lists as they appeared in the Saint Louis Times?

Mr. POLLARD. I object to that, then, most emphatically, because that is secondary evidence, that is hearsay testimony, and is not the best evidence. If the counsel for the contestee desires to make a comparison, that paper, I think, would be absolutely incompetent, but if it was competent, the best evidence would be the printed sheet—the Times—itsself; but the principal reason

I now object is because the counsel for the contestee has shown by the witness which he has put upon the stand, that more than a hundred names which he has injected in this record, which were reported and printed in the Times, were full of typographical errors. To such an extent has he done this that he has seen fit to dub this a typographical case, and has attempted time out of mind in this record to enrich every page of the last three hundred with the fact that this publication was full of typographical errors; now, having blown hot and cold, he desires to vary the operation and blow cold, declaring these publications were the pink of perfection, that these errors in the Times have crept in, and, desiring now to correct them, he puts his witness on the stand who read them some weeks or months ago.

Mr. DONOVAN. These speeches are made for the purpose of deterring the committee from looking this record over, for there is absolutely no reasonable ground for that last speech, and I am puzzled to understand why it was made. Will you please inform me, Mr. Jones, whether you compared these names with the names printed in the Saint Louis Times as stricken off by the last board of revisers, and, if you have so, please inform me what names of this partial list you found in the Saint Louis Times?

Mr. POLLARD. I object to that question, because it is prefaced by a statement which I do not choose to let pass by without objection. The gentleman says that these speeches are made for the purpose of deterring the committee from examining this record. I admit that each and all of the speeches which he has made are for that purpose, but the contestant has made no speeches for any purpose or object. The gentleman can only speak for himself; he cannot speak for the contestant.

By Mr. DONOVAN:

Q. Did you compare these names with the names that you found in the Saint Louis Times as having been stricken off by the board of revisers?

Mr. POLLARD. I object to that question as immaterial and incompetent; that it is hearsay testimony, and very remote at that.

A. I compared these names with the paper—the list from the paper, and I marked those that I found, the page of the paper, and the column.

By Mr. DONOVAN:

Q. And these marks are in your handwriting?—A. Yes, sir; these marks are in my writing; these pencil marks.

Q. And it is to this that you now propose to refer?—A. Yes, sir, it is to this that I propose now to refer.

Q. Now, please tell me what names you found on the printed sheet as having been stricken off from the registration list.

Mr. POLLARD. I object to that question, because it is immaterial and because it is incompetent; that the paper itself is a better evidence than this paper, if it were evidence at all. The best evidence is the primary evidence, and that, in this case, is the

port of the board of revision itself, and no other evidence, until this has been proven inaccessible, can be used in this case in this method.

WITNESS. Well, I found the names in this paper, in the lists that were stricken off. I find the name of William Dower; do you want the precinct?

Mr. DONOVAN. Yes, sir.

A. He is in precinct No. 39; this is spelled William Donan here, but I found a William Dower on the paper; I found the name of George Washington in precinct 40; Anthony Williams, precinct 40; James Lincoln, precinct 40; Silas Green, precinct 40; H. C. Corram (it might be "rum" for all I know, I don't remember now), precinct 117; Henry Betts, precinct 47; R. A. Smith, precinct 37; Henry Strube, precinct 143; Charles Cox, precinct 48; London Moore, precinct 152; Ben. Brown, precinct 209; Augustus Solari, precinct 211; Peter Ulmar, precinct 118; Fred Holman, precinct 146; Peter Larkins, precinct 55; Antoine Crawford, precinct 243; Morret Johnson, precinct 243; John Edwards, precinct 243; Charles Jenkins, precinct 243; Cato Green, precinct 243; John Merkel, precinct 219; J. M. Thompson, precinct 243; William Pauly, precinct 209; William Williams is here, but I found a William Wilson in the paper; I don't know whether it is the same man; it is the same number, 1004 North Seventh street, precinct 40 No. 40. I don't mean to say that I found them both; I only found Wilson; Henry Meier; now, here it is on the list as Meyer; I found him at precinct 148.

Q. Those you found in the published reports of names stricken off by the board of revisers?—A. In that list there. Christ. Ortman, precinct 141. I found John Price, precinct 55; Henry Ermentraut, precinct 146; John Cashion, precinct 129; Fred. Stocke, precinct 147; Charles J. Trebus, precinct 148; John Brown, or Braun (I won't be sure which), precinct 117; William Reed, precinct 243; Henry Chapman, precinct 49; James Ross, precinct 243; Joseph Monroe, precinct 243; John Clayton, precinct 40; Jack Fitch, precinct 126; Sam. Gray, precinct 75; William Stricker, precinct 164; John Zieres, precinct 241; Daniel Prophet, precinct 244; Ed. Cummins, precinct 55; Jonathan Emery, precinct 146; Charles Mestemacher, precinct 145; Morris Hull, precinct 51; Fred. Vahle, precinct 147; H. Winter, precinct 118; Dan. Mace, precinct 117; Peter Bailey, precinct 152; David Smith, precinct 212; William Springer, precinct 148; Francis Krus, precinct 84.

Q. These names you found published in the newspaper?—A. Yes, sir; published in the newspapers.

Q. And these were the reports of the supervisors?—A. I suppose they were.

Mr. POLLARD. I object to that because it is irrelevant and incompetent; he is proving now the objection which I made before, that these were simply transfers.

41 By Mr. DONOVAN:

Q. And this was but a partial list, or just such as was selected by you?—A. Just such as was handed to me. I looked into the papers, and saw if I could find these names in there, and those I called out I did find there, or as near to those names as I could come.

Cross-examination by Mr. POLLARD:

Q. What is your business, Mr. Jones, now?—A. Well, at the present time I am working for Mr. Donovan in this matter, that is all.

Q. How long have you been at work for him?—A. I think since the tenth of March.

Q. And are still at work for him?—A. Yes, sir; at the present time.

Q. You were employed by him to canvass these names which you have spoken of, and the residences of the individuals to whom the names pertain, with a view to eliciting facts for the purpose of testifying in this case?—A. He gave me those, that was probably his intention, that I was to find their whereabouts.

Q. He told you at the time he employed you that he wanted you to come on the stand, and testify in regard to these facts?—A. Yes, sir.

42 Q. And that was what you were employed by him for?—A. I suppose so.

Q. Employed by him as a witness in this case, and for the purpose of making testimony for Mr. Frost?—A. I understood him that I would have to be a witness; that I would have to appear on the stand as a witness.

Q. In behalf of Mr. Frost?—A. I supposed I was working in the interests of Mr. Frost.

Q. You are a Democrat?—A. I voted that way for several years.

Q. Where do you reside, Mr. Jones?—A. I live on Stoddard street, 2618.

Q. You voted for Mr. Frost last fall?—A. No, sir; I voted for Mr. Allen.

Q. You are not in the third Congressional district?—A. No, sir; I am just on the northern boundary.

Q. Mr. Allen was the Democratic candidate for Congress in the second Congressional district?—A. Yes, sir; I voted for him.

Q. It is a fact that he was the Democratic candidate?—A. I suppose he was, for I voted that way.

Q. You don't know whether he was or not?—A. Only by hearsay; I don't know.

Q. And you went and voted blindfolded for a man that you don't know whether he was a Democrat or not?—A. He was the Democratic candidate.

Q. Well, you knew as well then as now that he was a Democrat, and that he was running for Congress in the second Congressional
43 district: what do you know better than that?—A. I don't know that he was any more Democrat than Governor Crittenden; the public understood him to be a candidate and a Democrat.

Q. You knew that there had been a convention, and you knew that he had been nominated?—A. Yes, sir.

Q. Why, then, do you suppose he was; or guess he was; why not know it; why couldn't you answer me?

Mr. DONOVAN. There is absolutely no necessity for all this nonsense with this witness, for the reason that he stated that he voted the Democratic ticket for years; that he did not vote for Mr. Frost, but that he voted for Mr. Allen, who was running in the second Congressional district, and the counsel for the contestant now seeks to make an impression on the record which does not exist in fact, because he has an honest witness to deal with, and a scrupulous one.

Mr. POLLARD. When the gentleman has finished his tirade, and made his stump speech, and sworn to the truthfulness of his witness, we will go on. (To the witness.) How long since you have been bank clerk, Mr. Jones?

A. Well, I was such for nearly twenty-two years.

Q. How long since you quit the business?—A. I was with the old Bank of Missouri; that was in 1878, or something like that, when it

closed; the National Bank of the State of Missouri; I was in there not quite three years; may be it is three years.

44 Q. The bank broke, did it not?—A. It had to suspend, and threw all the clerks out; I know that.

Q. It went into liquidation, and the stockholders lost everything they had?—A. That I know nothing about; I was not clerk there, and know nothing about that.

Q. You never knew what was going on in that bank, did you?—A. I have heard a good many things about the bank.

Q. Is it not a well recognized fact in this community that that bank did break, and that the stockholders lost every cent that they had paid in?

Mr. DONOVAN. I object to that, for the reason that the gentleman wants to assume a state of facts for the purpose of arguing upon them and wasting our time; for his present inquiry is certainly of a nature in no way bearing upon the facts in this case; the breaking or non-breaking of the National Bank of the State of Missouri has got nothing in the wide world to do with this investigation; if it has, I certainly cannot see it.

Mr. POLLARD. I never knew, and I apprehend no gentleman on the committee ever knew of a bank failing without its being caused by some malfeasance or misprision, or some difficulty of that kind.

45 Mr. DONOVAN. And this counsel for the contestant, in his desperate straits, seeks to connect a note clerk of that old and established bank with the failure of the bank. This mode of inquiry only shows the desperate straits that the gentleman is put to, in his endeavor to make an impression upon this record.

Mr. POLLARD. It shows the desperate straits to which the contestee was put to get his witnesses. (To the witness.) What business have you been engaged in since the failure of the bank?

A. Well, I have been keeping books for some time.

Q. For whom?—A. I kept books for some months for Mr. Polack, on Fourth street.

Q. What business have you been engaged in for the past eight months; six or eight months?—A. Nothing.

Q. You stated in your direct-examination that there was a man named Michael Riley who was indicted by the grand jury here recently for murder in the first degree?—A. I didn't say that; I don't remember of saying that; I didn't say he was indicted; not that I remember of; I heard that a Mr. Reilly had killed a man named Hatch, I believe.

Q. Did you not answer to the soliciting inquiry of the contestee's counsel, and say that Mr. Mike Reilly had been recently indicted for murder in the first degree?—A. I don't think I answered that question.

46 Q. Isn't it a well-known fact that a man by the name of Michael Reilly was tried by the coroner's jury and unanimously acquitted, and then afterwards tried in the court of criminal correction, and acquitted promptly; is not that a well-known fact?

Mr. DONOVAN. I object to all these questions, for the reason that even if the coroner's jury and the court of criminal correction did so acquit this man, I don't see what that has to do with this case.

Mr. POLLARD. The reason is that this contestee drew out of this witness the fact that one Mike Reilly had been indicted for murder, and the contestee did that for the express purpose of discrediting the testimony of Mr. Reilly, and for no other purpose under heaven; now, with his usual degree of courtesy, he objects to any testimony tending to

show that Mr. Reilly was wholly and absolutely innocent of the intention with which the counsel for the contestee seeks to have him here indicted.

Mr. DONOVAN. This witness has distinctly stated here on this stand that he knew nothing whatsoever regarding that matter. As to the truth or falsity of the charge made against this man Reilly; that question was not asked him.

Mr. POLLARD. There is never any question as to the truth of any fact which is introduced by the contestee. (To the witness.) Will you answer the question?

47 A. I read something about it in the paper; I don't know it of my own knowledge; I don't know anything about it, though I read something in the paper about it; about his being discharged.

Q. During the commencement of this examination you held in your hand a list, which you stated was handed you by the contestee's counsel, and on which you had made various memoranda from which you testified; afterwards, during the progress of the examination, you took another list and testified from that, did you not?—A. That is a copy; yes, sir.

Q. And that second list is a copy of some list heretofore made by you?—A. Yes, sir; a copy of the list; in this copy you will find the memoranda that I made on the last list, to which you have so repeatedly referred; the reason I made that list was because Mr. Donovan wanted to have the first list in his office.

Q. That copy from which you read your answers to the questions put by Mr. Donovan was handed to you by him here during the progress of this examination, was it not?—A. This copy; yes, sir; I made this copy myself, though.

Q. And during the examination both you and the counsel used the same paper, did you not?—A. We did look at it during the examination; yes, sir.

Q. And during this examination that which purports to be a copy was read from by you in answering more than half the questions propounded to you concerning the residence of certain individuals, 48 was it not?—A. I won't say that I read more than half from that paper, either, because in a great many instances the information was present to my mind without much, if any, reference to any paper.

Q. Well, about half, then?—A. I don't remember how many questions I so answered, I am sure; he probably asked some questions on it—some questions that related to this list; of course, the questions he asked me that had reference to this list, I answered from this list.

Q. And those were fully one-half of the questions concerning the residences of certain individuals, was it not?—A. No; I don't know; I won't say one-half; this copy I made myself.

Q. Well, what proportion, in your judgment?—A. I couldn't say; I didn't pay any attention to that part of it.

Q. How many men's residences did you testify concerning this morning?—A. I don't know; I couldn't say; I haven't counted them.

Q. Twenty?—A. I haven't counted them.

Q. Didn't you, as a matter of fact, testify to over two hundred?—A. I don't know, I am sure; I don't know how many names I did have.

Q. How many names were on this list which he handed to you and which he told you at the time were the names of individuals who

49 had been testified concerning by witnesses on behalf of the contestant?—A. I don't know how many names he did give me.

Q. Well, about how many?—A. I couldn't tell you.

Q. Were there six or seven hundred?—A. No, sir; not as much as that.

Q. How many then?—A. I can go to work and count them if you care for them.

Q. But you say you haven't got them all here?—A. I can get them, though.

Q. About how many were there? Were there three or four hundred, or six or seven hundred?

Mr. DONOVAN. What is the use of worrying the witness and filling this record with his repeated statements to the same effect; he has said a half dozen times that he doesn't know; why not let that suffice?

By Mr. POLLARD:

Q. You have no sort of an idea whether there were more than one or two names on that list, or seven or eight hundred?—A. You might reasonably suppose that there was more than one or two names, or one or two dozen.

Q. Was there more than one in your judgment?—A. As I have just said, I don't know how many there were. If I knew I would not hesitate to tell you. I can't say how many there were; I did not count them.

Q. Isn't it a fact that there was between five and six hundred names?—A. No, sir; I don't regard that as a fact. I don't consider it so; I don't know it to be any such figure. I can't say how many there were.

Q. You don't know; and you are not prepared to say that there was not between five and six hundred names on that list?—A. In my opinion there was not five hundred names on that list.

Q. In your opinion how many were there?

Mr. DONOVAN. I object to the counsel for the contestant asking this witness over and over again the same question, when he has distinctly answered that he has no opinion on the subject; never counted them; that if he gave an opinion it would be simply guess-work, and though the counsel may insist upon it ever so much, what the witness doesn't know he cannot answer.

By Mr. POLLARD:

Q. Were there as many as three or four hundred names, in your opinion?—A. I don't think there was four hundred names.

Q. Well, you do think there was probably three hundred?—A. I don't say how many there were; as I have stated to you frequently, I cannot say how many names there were; if you want to know I will count them. I offered to do this before; I will count them for you.

Q. What memorandum was on that list of names handed to you, besides the names and purporting residences placed opposite those names?

—A. I don't understand your question.

Q. Was there not against each name what purported to be the testimony of certain witnesses who had testified in behalf of the contestant?—A. There is the name of the witness or letter carrier; that was probably for the guidance of Mr. Donovan.

Q. Was there anything besides the name of the witness or letter carrier?—A. Not when I took it first; but these memorandums are mine; these memorandums in pencil are mine; some of them I have run over with ink.

Q. There was no statement against each name, in brief, what this letter carrier or canvasser was said to have testified to concerning the

individual whose residence you sought?—A. That was put on afterwards.

Q. That was not on there, then, when you took it, was it?—A. These were not put on by me (indicating.)

Q. I want to know whether that memorandum which you held in your hand was made before or after you took it; that is what I want to know and who made it?—A. I can't tell you who made it; I know I didn't make it.

Q. Was it made before or after it was handed to you to make this investigation?—A. I don't think it was on there when it was handed to me.

Q. Then that memorandum has been made up, as a matter of fact since that time, by some party, by whom you do not know?

Mr. DONOVAN. I object to the counsel for the contestant endeavoring to create a wrong impression; these memoranda were made by me, and are a contrast of the reports of the witness on the stand introduced on the part of the contestee, and the sworn testimony of others advanced by the contestant; why this inquiry is pressed so persistently on this witness is again an enigma.

Mr. POLLARD. It was pressed for the very purpose of eliciting the very information which the counsel for the contestee has just given us; and for the further purpose of showing that the memoranda of those papers which this witness read as part of his testimony, and of all of which he commented, and by which he refreshed his memory, were memoranda made by some person other than himself to him (said witness) unknown, at some time, which he does not know.

Mr. DONOVAN. The absolute nonsense of that objection is apparent when it is remembered that the witness on the stand never read one single syllable that was placed on there by the counsel for the contestee, and the facts therein contained were not embodied in a single question put to this witness; these memoranda were placed there for the convenience of reference, in contrasting his report with that of witnesses who testified on behalf of the contestant; this witness only testified in regard to his own memoranda, and to absolutely nothing else; and now this contestant's counsel seeks to make confusion in this record knowing perfectly well what the actual facts in the case are; if he will ask the witness as to whose memoranda he testified from, he will say that he testified from his own and from none other; he has nothing whatever to do with my memoranda, that being entirely distinct; it is simply a memoranda of the testimony of the witness that had been introduced by the contestant, and which memoranda this witness could not have used, had he been so disposed.

Mr. POLLARD. The counsel for the contestee has seen fit to give us another dreary harangue; he has seen fit in that harangue, although not under oath, to absolutely contradict the testimony of his own witness; now, if the gentleman wants to be put under oath and make a statement, if he have any, I have no earthly objection to its being received for testimony; and I may add that it would give more pleasure to examine a witness who would not absolutely cross himself in his testimony, by making diverse and contradictory statements. And I now suggest to the counsel for the contestee, that it might be possibly quite as well for him not to suggest the answers to the questions which I propound to the witness, especially when he is sitting, not exactly on the same seat with the witness, but within a half a foot from him.

Mr. DONOVAN. To stop this desperate nonsense, nonsense that is

ridiculous that it seems to be child's play, I will again leave the room, and leave the witness in the hands of the counsel for the contestant.
(Mr. Donovan retires from the room.)

By Mr. POLLARD:

53 Q. Well, sir; you made an inquiry at 822 O'Fallon street for a man named John Duddy, and you found out that a man by the name of John Duddy had moved from there some time last October to 724 O'Fallon street?—A. I found that he had been living at 724, I believe, since last October; I think that was my report.

Q. Whether he had ever lived at 822, you don't know?—A. That is where I got my information as to his living at 724; a man told me there had been a fire, and told me where I could find him.

Q. Did you learn whether he had ever lived at 822 O'Fallon?—A. He told me so; he had moved from there on account of this fire; that is my impression.

Q. Some time in October?—A. 724; below there.

Q. That is not in the same block with 822, and it is across the street?—A. It is the block below.

Q. And not in the same voting precinct?—A. That I don't know anything about.

Q. You found no man by the name of John Duddy living at 822 O'Fallon, either James or John?—A. I was informed that this John Duddy lived just one block below.

Q. My question, it seems to me, is very plain; did you elicit any information which led you to believe that any man by the name of

54 Duddy resided at 822 O'Fallon street on the day of the last November election?—A. I did not, because I understood that he had moved to block 724; I think that was the block below, and that he had lived there since last October.

Q. You found a man by the name of John Horan living in the rear of 911 Biddle street, and you ascertained from some source that he had been living there six years, did you not?—A. I did; that is the house where he is living.

Q. Did you find any man by the name of John Horan living at 907 Biddle street?—A. I did not; because I was directed to Mr. John Horan, where to find his house; and he told me that he had been living there for six years; that was in the rear of 911.

Q. Did he tell you whether he had registered and voted last fall?—A. He did not; I didn't ask him the question.

Q. Do you know whether he is a Democrat or a Republican?—A. I do not.

Q. You found a man by the name of James Moran at 118 in the rear of North Thirteenth street, and you elicited from some source the information that he had resided there since last September?—A. I did.

Q. From what source did you get that information?—A. Well, I must have inquired at that number; I couldn't have got the information unless I did.

Q. Do you know from whom you got it?—A. I don't know from whom. Somebody there gave me the information.

55 Q. You have no other information on the subject except what you read from that memorandum in front of you, have you?—A. I don't remember that particular man; no, sir.

Q. No knowledge whatever in regard to that gentleman?—A. It was very little and I put it down; that he lived in the rear there.

Q. And you cannot now tell from whom you got that information?—
A. I cannot tell the party; I don't remember it.

Q. You found at 1201 Cass avenue that there is no man living there by the name of Dichmar Lilburn?—A. I did not find him at 1201, but I found him across the street; I went to his house and learned that his name was Phillip Deuker; that was the way I was told he spelt it; his daughter told me that; I made inquiry for Dichmar Lilburn, but no such party ever lived in that neighborhood that I could find; I was told that Phillip Deuker did.

Q. You inquired in that neighborhood?—A. Yes, sir.

Q. You enquired at 1108 North Thirteenth street for this man Moran—James Moran?—A. I suppose I must have inquired at 1108, else I couldn't have been directed to 1118.

Q. And you found no man of that name at 1108?—A. No, sir; I don't think I did, else I wouldn't have inquired at 1118; if I found a man at one number I didn't look for him elsewhere; if I went to a place
56 and they told me he didn't live there, I would inquire if they knew where he did live; if they did, I would look him up.

Q. Did you look at 1201 Carr street, or in that immediate neighborhood, for a man named Dichmar Lilburn or for Lilburn Dichmar?—A. I took the list that way, and I couldn't find any such man.

Q. But you found this man Phillip Deuker?—A. I was told by the man that keeps the grocery store on the opposite corner that a man named Phillip Denker used to live there, but that his house was torn down in December—the 28th of December.

Recess until 2 p. m.

AFTER RECESS—2 p. m.

Cross-examination of Mr. JONES resumed.

By Mr. POLLARD:

Q. You found on an examination that there was no man by the name of James Flinton residing at 1022 North Thirteenth street on last November election day, but there was a man named James Fenton residing in the rear of that number, and had resided there for eight years?

—A. So I understood from Mrs. Fenton; it was probably his
57 wife; I didn't find a man by the name of Flinton, but I found a Fenton, and I made my report accordingly; what I mean by the rear is there is a house back in the yard.

Q. You found a man by the name of Michael Lynch residing at 1426 North Thirteenth street, and you furthermore found that no such man did on last election day reside at 1426 North Fourteenth street?—A. I don't think there is any such number as 1426 North Fourteenth street; I think the last number is 18; I don't think it is more than about 18. On inquiry I learned that there was a Lynch on Thirteenth street, and I went and found him at 1426 North Fourteenth street. I don't think there is any 1426 North Fourteenth street.

Q. You found James McMahon living in the rear of 1418 North Fourteenth street, and learned that he had lived there some three years?—
A. Yes, sir; I don't think that that block runs to 38.

Q. You think there is no such number as 1438 North Fourteenth street; is that what you mean?—A. I hardly think there is a number as high as that on that block; that is my impression at least; had it been 1438 I should have inquired at 1438; as I couldn't find 1438 I inquired at 1418 for my man and found that he lived there, as I have stated, and had lived there in that same house for three years.

Q. Now, you made inquiry at 1810 Benton street for a man named William C. Delorgey, did you?—A. Yes, sir.

58 Q. And you found no such man there?—A. He did not live at 1810 Benton street; I understood that he was a fireman, and I went away to the engine-house and found him asleep; one of the firemen directed me to his house, where I met his wife, and then he came in. He formerly lived at 1810 Benton street, but he has lived at 1812 North Market street one year next June; that is the information I got there.

Q. And consequently must have been living there on last election day?—A. I got his name to be Michael C. Delargey.

Q. You found a Lawrence Flynn worked at 1102 North Fifth street?—A. Yes, sir; 1102 and 1104 North Fifth street; worked there for about two years.

Q. That is a horse stable?—A. I understood it so; there are persons living upstairs, however.

Q. But have you information on the subject except what you have on your memoranda?—A. Well, that is not on my memoranda, but I remember that I think he stated he slept there; that is my present recollection.

Q. You mean that he was at work there and slept there on the premises?—A. I call that living there when they sleep there.

59 Q. And also that applies to Eli Chase?—A. No, sir; he is a book-keeper there, as I understood it; he gave me the information in regard to Lawrence Flynn.

Q. Where did you find Eli O. Chase living?—A. I spoke to him there; he lives at 1021 North Fifth street.

Q. Did you inquire for him at 1024 North Fifth street?—A. I did not. I may have done so; probably I did, because when I went to these places and didn't find them at the number on my memorandum, I would go to the place where I was told I would find them. I did not find him at 1024, but I found him at the stable, and there I learned that he lived at 1021 and had for years.

Q. Now, those two numbers, 1024 and 1021, are on opposite sides of the street, and are in different voting precincts, are they not?—A. I don't know about the precincts; I don't know anything at all about the boundaries, for I never had much to do with politics; all I had to do was to go and vote, and on the losing side generally.

Q. But they are on different sides of the street?—A. Yes, sir; they must be, because one is odd and the other is even.

Q. Did you make any inquiry for L. Kavanaugh at 1027 North Fifth street?—A. I did not, because I received the information from Mr. Chase, if I remember right, that he works there and has something to do with the horses. He knew that he lived on the opposite corner, the southwest corner of Fifth and Carr streets, and had lived there
60 for about four years; I wanted to be sure that he had lived there last November.

Q. What information did you get in relation to John Dowling, of 1417 North Eighth street?—A. Well, I suppose I went to that number and found that he lived at 1419, since the middle of last summer, because I have looked for these numbers.

Q. Who did you get that information from?—A. I don't remember; somebody in the house, I suppose.

Q. Did you go to 1419?—A. I must have done so.

Q. And you found out, did you not, that he did not live at 1417?—A.

He did not live there, because if he had I would have mentioned it ; but I mentioned particularly 1419 North Eighth street, and last summer.

Q. And if any man testified that he does not reside, and has not for a long time resided at 1417 North Eighth street, he is mistaken, is he not ?—A. I should judge so, from the information I received.

Q. And you found that John Wood, instead of living at 1323 North Ninth street, from where he was registered on election day, and from which number he voted on that day, did not on the last election day live at that number, but did live at 1211 North Ninth street, and had lived at that place for twenty years ?

By Mr. DONOVAN :

Q. What do you know about his registering and voting, or do you know anything about it ?

61 Mr. POLLARD. I object to the question of the gentleman ; he promised us this morning that he would behave himself ; now he has come back and taken up his original position.

Mr. DONOVAN. The counsel for the contestant, sticks a lot of stuff in your mouth about this man's registering and voting ; do you know anything at all about it ?

A. I do not ; I don't know anything at all about it—about his registering and voting.

Q. All you know is where he lives, and how long he has lived there ?

—A. I know I couldn't find him at 1323, and that I did find him (John Wood) at 1211 in the rear, or I found his mother. He lived there over twenty years.

By Mr. POLLARD :

Q. Did you find any other man by the name of Francis J. Wood ?—A. I didn't see him ; I couldn't find out anything about him.

Q. And 1323 North Ninth street and 1211 North Ninth street are more than one block apart ?—A. About a block apart, I should judge.

Q. And they are in different precincts ?—A. I don't know about the precincts ; I don't know the boundaries. There might be fifty John Woods in the city, but I didn't look for them. I found no John Wood at 1323, but I found a John Wood at 1211, in the rear.

Q. Who did you elicit this information from concerning Mr. 62 Thomas Hoolahan ?—A. Thomas Hoolahan ; I suppose his mother, or his wife. I wouldn't swear to that.

Q. Have you any information, or do you know anything about that except what you have on your memoranda there ?—A. I remember distinctly of going up there ; I understood that he had moved to 1617 Biddle ; I went to 1617 Biddle and found that he was living there. I got the information from two ladies ; now whether it is his wife and her mother I don't know.

Q. And that understanding was that he had moved about the fifth or sixth of November ?—A. That was the understanding ; yes, sir.

Q. They wa'n't positive ; any more positive than that ?—A. It was either the fifth or sixth that he left there. He had lived at 901 Biddle for three years, and moved about November fifth or sixth.

Q. You did inquire for Ben. Brady at 1112 North Eleventh street, and some one told you in that neighborhood that he had moved away from there several months ago ; now who gave you that information ?—A. Now, I rather think I got that information from a cigar store.

Q. How far from there ?—A. It must be at that number, or if not that number at some number next to it ; I don't know which. This man knew the neighbors around there.

63 Q. And you found out that Charles Redfern had formerly lived at 2019 Division street, but that he had on last election day lived at 2018 Division street, which is on the opposite side of the street from 2019, from which place he registered and voted on election day?—A. I don't know whether he registered and voted; but I went to that number, 2019, and could learn nothing about him; so I went across the street and I may have got the information there, that a party of that name lived there; probably that was the way I got it; I think it was from his wife; but I don't know for certain.

Q. And you found that John Scanlon did not reside at 1425 North Eighteenth street, and never did reside there, but that he now lives at 1431 North Eighteenth street, and has lived there for the past five years, did you not?—A. I didn't say that he never lived there at 1425, because I don't know that; I probably went to 1425 and got this information there, that he did not live there; and probably his mother gave me this information; that is, that he lived at 1431 North Eighteenth street, and had lived there for five years, and still lives there.

Q. Well, now, you say that he moved from there five years ago, or that he lived there five years; but do you know whether it is the same man who registered from 1425 and voted on that registration?—A. I don't know.

64 Q. You don't know as a matter of fact?—A. No, sir.

Q. You simply know that there is a man residing at 1431 of the name of John Scanlon?—A. That was the information I received.

Q. You don't mean to say, do you, that he is the man that resided at 1425 and registered and voted from that number on election day?—A. No, that I can't say. There may be twenty of the same name.

Q. Did you make any inquiries at 1705 Cass avenue for John Ready, or where did you get the information?—A. Well, sir; I went to the corner, it is a furniture manufactory or some such thing as that, and they didn't know anything about it; then I went across the street to a grocery store and they directed me to this 1715 Cass avenue; I went in there, in the rear, and found that he lived there; somebody gave me the information upstairs.

Q. And that he had been there since last July?—A. That he had been there since last July.

Q. Whether he is the man who registered and voted from 1705 Cass avenue you don't know?—A. I don't know; but I don't think he could be, because I don't believe there is any such number as 1705.

Q. Isn't it a fact that there is no such number?—A. I didn't see it if there was any such; if I had I should have inquired there; I don't think I saw it.

65 Q. You found Michael Hickey on the northeast corner of Twenty-second and Biddle street with his son-in-law?—A. No, sir; I was informed that he lived there; I called at the house; I think he is an old gentleman that I have seen around there several times; I think he must be the one; I don't know though.

Q. There is no doubt but what Mr. Michael Hickey now lives at Twenty-second and Biddle, on the northwest corner?—A. I think he lives there yet; I haven't heard of his dying; I suppose he lives there yet.

Q. Well, if Mr. Furay, who was a witness in this case for the contestee, had stated to you, as he swore on this stand, that that identical man now lives, and has for the past year, on Division street, between Twenty-second and Twenty-third streets, what would be your inference?

—A. I should think that it must be another Michael Hickey; that is my opinion.

Q. But if Mr. Furay states, as he has on this stand while he was under oath, that no man by the name of Michael Hickey resided on the corner of Twenty-second and Biddle streets, you would infer that some one had made a mistake?—A. He might have been misinformed. I was informed that Michael Hickey did live there with his son-in-law; I think he used to be in the council some years ago.

Q. The son-in-law, or Mr. Hickey?—A. He has a son-in-law by the name of O'Brien; that is the one that was in the council.

Q. Is that the same O'Brien that manufactures mineral water?
66 —A. I think that is another O'Brien.

Q. Did you inquire on the northwest corner of Twenty-fifth and Dickson street for Michael O'Hern?—A. The northwest corner is a grocery store; that is where I got the information where he lived.

Q. Did he live there?—A. He lived on the southeast corner.

Q. Was there any Mr. Michael O'Hern residing at the time you made this investigation, or on election day in last November on the northwest corner of Twenty-fifth and Dickson streets?—A. I don't know where he lived before; I was informed at the grocery store that he lived right across the street; that is, on the southeast corner, and he lived there for two years; I saw the man himself; he was an old man.

Q. Whether he lived on the northwest corner on election day, you don't know?—A. That I don't know; but he says that he lived in that house for two years last December; so I suppose he must have lived on the southeast corner.

Q. That is across two streets from the northwest corner, and it is not in the same precinct, is it?—A. I don't know anything at all about the precincts.

Q. Is there any such number as 2319 O'Fallon street?—A. Yes, sir; I say there is because the number is on the house yet; the house has been moved, but the number is on it still.

67 Q. If it had been properly numbered would it be number 2319 O'Fallon street to-day, or would it be a vacant lot; it is now a vacant lot, is it not?—A. The house that was formerly No. 2319 is moved to 2309 and stands in the rear of that number; still it has the old number on it.

Q. Now, you say in your direct examination that this house was probably moved about the twentieth of November; who gave you that information?—A. Well, I don't know the family that lives in that house, in front of this house that has been moved. There was a woman went in and got a certificate or permit for removing that building; she shows that to me; and it was dated, I think, the twentieth of November.

Q. Why didn't you go to this house itself where Mike Queenan lives?—A. You have to pass this house to get to that house in which Queenan lives.

Q. Why didn't you go to this house?—A. I went there to him, and they got to talking about how long he had lived there, so this woman went in and got this certificate and showed it to us; it was a permit to remove the house.

Q. You then did go to this house where Mike Queenan lives and which is in the rear of 2309?—A. Yes, sir; this man Queenan lives in that house which is now properly 2309; it is in the yard; there
68 is another house in the front of it; there is about that much space between them (indicating); you have to go through a

small space; there is a small back porch before you reach Queenan's house, so when I asked this question she went in and got this paper and showed it to me, which happened to be a permit to move the house.

Q. Now, have you any other information on that subject than what you have stated?—A. No, I don't think I have.

Q. And whether or not this man Queenan lived in that house before it was moved, you have no other information, as you have just sworn, and you cannot state?—A. Whether he lived in it before? Why, he lived in that for two or three years.

Q. I thought you had told me but just now that you had given me all the information that you had on that subject?—A. O, well, I told you he lived there six or seven years in the same house.

Q. Is that on your memorandum?—A. Yes, sir; that is on my memorandum.

Q. Why didn't you state that before; you stated to me when I asked you, that you had given me all the information that you had on the subject?—A. Of course, I spoke before I thought; I spoke too soon; if he had lived in that house before it was moved, and it was not moved before the twentieth of November, he certainly lived there on election day.

69 Q. You know that?—A. I don't know only from hearsay; what they told me; they showed me that permit dated the twentieth of November.

Q. Does your memorandum there show you that he had lived in that house for two or three years?—A. For six or seven years in the same house; that is the information that I got from him or somebody about there.

Q. Now, I will ask you again if you have stated all that your memorandum shows you about Mr. Michael Queenan, and all that you know about him of your own knowledge, and all that you have heard, if you have heard anything?—A. Well, I think that is about all.

Q. Now, are you prepared to say, in addition to what you have said, that this house was moved first on or about the 20th day of last November, 1880?—A. Well, from the information I received, and seeing the date of the permit to be the 20th of November, I came to the conclusion that that is correct.

Q. Are you now stating that it was the 20th of November, 1880, or 1879, or which year was it?—A. My impression was that it was 1880; they wouldn't get a paper and hold it a year.

Q. That is simply an impression?—A. Yes, sir.

Q. Nothing else?—A. A very natural one, too; they wouldn't hold a permit to move a house for a whole year.

70 Q. If they would hold it from the 20th of November until the present, it wouldn't be a very rash inference that they might hold it the balance of the year, which would be only about five months?—A. Not as I stated it; it was only a permit to move the house that they showed me, and that was the time the house was moved, according to my impression.

Q. But whether it was 1880 or 1879 you do not know; all you know is an impression, as I understand it?—A. Well, my impression is that it was in 1880.

Q. Do you know?—A. I don't know; I saw the 20th of November, and I supposed, of course, it was 1880, but it might have been 1879.

Q. You desired to fix that date, did you, to bring it after the election of last November?—A. No; I didn't ask for the permit.

Q. You desired in your testimony to fix it that date, so as to bring it

after the election?—A. No, sir; I have no desire that way. I have a desire to state the facts. I remember that that date was the 20th of November. I didn't ask for that certificate or permit, but this woman rushed into the house and got it and brought it out. I probably asked when was this house removed, and they perhaps couldn't recollect it, so they brought out this permit; that is how I came to notice this date.

Q. Well, now, I will ask you this question: whether or not if this man had been in the habit of delivering letters in that neighborhood for the past fifteen years, who well knew Mr. Queenan and his
71 family, if he stated, as he did on this stand, that Mr. Queenan had been moved from that vacant lot, which would ordinarily bear the number 2319 for one year, still you would not believe but what he had moved there after the 20th of November, would you?—A. My impression is that he moved there after the 20th of November; that is my impression, according to the information I received.

Q. As I understand you, you didn't receive any other information than you have testified to?—A. No more than I have testified to.

Q. You inquired at 2107 Carr street for J. C. Burns?—A. Yes, sir; J. E. Byrns, I think it is; it is J. E. or J. C.; it is blotted here a little. I found that J. E. Byrns had formerly lived there.

Q. Who gave you that information?—A. I think it was his wife; I don't know; some woman at the house where he lives now, Twenty-second and Division street. I traced it up and found out where he lived, and I went to his house and saw, I suppose it was his wife, at Twenty-second and Division streets.

Q. How far is that from 2107 Carr street?—A. A little over three squares, I suppose.

Q. And the two places are not in the same voting precinct, are they?—A. That I don't know; I don't know anything about the precinct. She told me that they had moved from 2107 Carr street on the 16th of December last.

Q. Some person told you that; whether she is Mrs. Byrns or
72 Mrs. John Smith you don't know?—A. I don't know. Somebody in this house on Twenty-second and Division streets, at the house where I understood Mr. Byrns lives, told me that.

Q. But his name instead of being J. C. is J. E. Byrns?—A. Yes, sir; J. E.

Q. And you found upon inquiry that there was no such man as James Duvall at 1111 North Twenty-fourth street?—A. I did.

Q. You could not find a man by the name of Duvall, but you found a man by the name of Driscoll?—A. Yes, sir; I suppose it was Driscoll's wife; she said that a man by the name of James A. Driscoll lived there since last May; I went to that house—1111—and couldn't find any Duvall, but I found this lady who gave me this information.

Q. Now, if you will turn to the copy of what purports to be a copy of some memoranda which was made by somebody at some past date, from which you testified this morning, I will be obliged to you, and tell me from that copy what in your opinion is the present residence, and has been for the last twenty years, of J. O. Moffett?—A. He lives there; I suppose it was his mother told me that, at 2713 North Fourteenth street; he has lived there for twenty years—this man, J. O. Moffett.

Q. Did you inquire at 1330 North Thirteenth street for a man by the name of M. Nolan, or any such man there; I believe you did find
73 a man there bearing that name residing now since last spring at

1331 North Fourteenth street?—A. 1331 North Fourteenth street, and I suppose it was his wife that gave me that information.

Q. But you found no such man as that living at 1330 North Thirteenth street, did you?—A. No, sir; if I had I wouldn't have gone to Fourteenth street.

Q. Whether he is the same man who registered and voted on election day at the polls, and voted for Mr. Frost, and then and there gave his residence as 1330 North Thirteenth street, you don't know?—A. I don't know anything about his registering and voting.

Q. Do I understand you to say that there is no such number as 3125 North Thirteenth street?—A. There is no number on the house.

Q. Well, is there a house on that lot which if properly numbered would be 3125 North Thirteenth street?—A. My impression is that there is no house on that block, on that side of the street before you reach that house, except this new hall, as I take it to be—this ice-house, I meant to say; there is a building just this side of it; but with that exception, I think the block is vacant on the west side.

Q. You found this man P. J. Connor residing at a house that ought to be numbered 3201 or 3203 North Thirteenth street, didn't you?—A. My impression is that it was 3200 and something; it is either a few doors north on the same side of the street—I think there is no house except this ice-house on that block south, on that side of the street.

7: Q. And the place where he now resides and did reside on last election day is across the street from this vacant lot, which, if properly numbered, would be 3125 North Thirteenth street?—A. No, sir; he didn't live across the street; I found the house next to the ice-house, as I said before.

Q. As 3125 North Thirteenth street and 3201 are on the same side of the street, there would have to be a street between them to indicate a new block, wouldn't there?—A. Not necessarily so.

Q. Would they be in the same block?—A. You take, for instance, Thirteenth and Eleventh streets; there is Thirteenth and Fourteenth streets run together in the same block; so it is with a good many streets this side of Cass avenue. O'Fallon street for instance has two sets of numbers because several of the cross streets run into each other.

Q. That is simply because the street is not cut through?—A. I suppose that is it; that is probably the way of it at 3100; I don't know.

Q. So if the street should be cut through as it is laid down on the plat, there would be a street between 3125 and 3201?—A. Yes, sir.

Q. And that would not be in the same block?—A. I don't know whether there is room enough to run a street through there; I think Tenth street comes right* in there too, and Thirteenth street would be crowded about there.

Q. Did you ascertain how long this man Connor had resided at 75 this place which ought to be 3201 or 3203 North Thirteenth street?

—A. I didn't understand that he lived at those numbers at all; what I took was 3125. I could find no other number there; he lived there fourteen years; I think it was his mother told me that. I couldn't find 3125, but I took that house to be the place; it was the first house north of this ice-house, then a few doors north of this ice-house commences 3200 and something; I don't say that he lived at 3125, for I don't know.

Q. There is no such number?—A. I didn't see any such number.

Q. Well, you found that James Howard had lived at 1307 North Sixteenth street since last June?—A. I think I had that from his wife. He lived in the same building; part of the time he lived down-stairs

and part of the time upstairs; but he lives there now at that house, 1307, since last June.

Q. Your information is that he went there last June, is it?—A. The woman told me he had been living there since last June; that is all I know about it. I took her to be his wife. She made the remark that he is a watchman somewhere; that he had to go to work about five o'clock. He is a watchman of some place.

Q. And if Mr. Furay, a witness on your side of the case, testifies that he had been living there for the past two or three years, there is some mistake about it somewhere, isn't there?—A. Now, this woman
76 did tell me that he had lived in that same neighborhood for some time. I said that isn't what I want; I want to know how long you have been living here in this house, in this number. She said we have been living in this house since last June. First she said they had been living there for some time; but I told her that wasn't what I wanted.

Q. Did you make any inquiry at 2419 North Sixteenth street, Bernhardt Eppking?—A. I did, sir.

Q. Did you find him there?—A. I did not. It was a boarding-house; he formerly boarded there they told me; probably the landlady told me that he had got married; and there was a little girl told me he lived in the house below. I went there, and I think his wife told me—gave me the information that I have given you. I remember distinctly he boarded formerly at the building—2419 North Sixteenth street; but after he got married he moved to 2407 North Sixteenth, street some eight months ago.

Q. Now, what did you learn of Bernhardt Epping?—A. This is Bernhardt Epping.

Q. I asked you in the first question if you had inquired at 2419 North Sixteenth street for Bernhardt Eppking?—A. This is Bernhardt Epping, I think.

Q. Did you inquire for a man named Bernhardt Eppking?—A. Eppking or Epping, I won't be sure; it was the same man; he formerly boarded there; that is what I testified to.

Q. You think that Eppking and Epping are the same man, do you?
—A. I do; it is the same number—2419.

77 Q. But when his fancy is skyward he writes his name Eppking; but at other times, when he is not so poetically-minded, he writes it simply Epping?—A. I think it is Bernhardt Epping, all things considered.

Q. But which it is you are not now prepared to say positively, are you?—A. I think it is Epping; but I am not prepared to say; I made this copy, and I suppose it is right as Bernhardt Epping.

Q. You found out that Mr. W. P. Eads had removed from 1527 North Seventeenth street, on or about the fifteenth day of November, did you not?

WITNESS. Moved from there?

COUNSEL. Yes.

A. 1527 North Seventeenth street about the fifteenth of November—yes, sir; that's right.

Q. And that he went to live there about the seventh day of October?

—A. Yes, sir.

Q. And that is all you found out about him?—A. I found that out from his wife; I traced out his present residence on Division street.

Q. Do you know anything more about Mr. Eads than what you have testified to?—A. I know that he lives on Division street and did last

month, because there is where I saw his wife; she gave me this information that they lived there; he moved from 1527 North Seventeenth street to some place on Division street; I went there—
 78 traced them up—she said that the house was so near to the other house that they staid there a month or so, and then they moved across the street, or rather, further on on the same side of the street; that is, across the street on Division street.

Q. Mr. Furay, this exact and accurate gentleman who has testified heretofore on the part of the contestee, swore positively on that stand that he knew this man Eads; that he was personally and intimately acquainted with him; that he had resided at 1527 North Seventeenth street until six weeks ago; he testified only three or four days ago; was he correct in his testimony?—A. I can't say anything at all about his testimony: I testify to mine; I found this woman at that place, as I have mentioned, and she told me her husband's name was William Patrick—she made some remark about his name being Patrick, and she went on to say that he had lived at 1527 from about October, and then moved about the fifteenth of November; this was a woman that I took to be his wife.

Q. What is the given name as shown on the list which was handed to you by Mr. Donovan, of Mr. Freeman, who gives 1237 North Seventeenth street as his residence?—A. I have it here as M. Freeman; but I couldn't find any such party at 1237.

Q. You inquired there?—A. I inquired there at 1237 North Seventeenth street, but they knew no such man. A man named John Frewer has been living there for five years, and still lives there.

79 Q. And he knew nothing about a man named M. Freeman?—

A. He could not give me any information; if he could I would have made a memorandum of it; he didn't give me any, though.

Q. And this man who gave you this information said to you that his name was J. Frewer?—A. He not only said his name was J. Frewer, but he brought out an old slate and wrote it for me, F-r-e-w-e-r.

Q. Mr. Furay, this intelligent, unprejudiced, and accurate witness on the part of Mr. Frost, swore here that he found, and about the same day you were there, one or two prior or one or two subsequent, that a man by the name of Frevant lived there within a week of the time that you were there?—A. I don't know anything at all about John Frevant; I have given you the information as I got it.

Q. Is there more than one family living at that place?—A. That I don't know; I think this man keeps a coal-yard there; I think he is proprietor there.

Q. In which statement you are corroborated by Mr. Furay. You found a man by the name of James J. Long at 1217 North Eighteenth street, and that he moved there last July; it is on your copy; you testified from the copy?

(Question withdrawn.)

Q. You are satisfied that the Little Sisters of the Poor have their place at Nineteenth and Hebert street?—A. I think it is; the streets are so mixed up there anyhow; it is up there.

Q. Nineteenth and Hebert?—A. Yes, sir.

80 Q. Is it not between Nineteenth and Twentieth streets, on Hebert street?—A. It is on the corner there.

Q. If it is on Nineteenth and Hebert, then it must be between Nineteenth and Twentieth, on Hebert, and not between Eighteenth and Nineteenth at all?—A. No; it is on a street that is not cut through at all. It has two or three streets this side, or may be the second or third

street; I don't know which. The Little Sisters have their place right there. Fourteenth street comes in at Hebert street, but it don't run through; it doesn't run across Hebert street. The streets are pretty badly mixed up there.

Q. The northwest corner of Eighteenth and Hebert streets is a vacant lot, is it not?—A. Well, if the Little Sisters of the Poor have their place on what is called Nineteenth street, then there is no vacant lot on the corner of Eighteenth street, because Eighteenth street doesn't come in through there. If there is a West Eighteenth street, it would run right through the grounds; it would run right across the property of the Little Sisters of the Poor. I call it Nineteenth and Hebert streets where the Little Sisters of the Poor have their place.

Q. Do you know these men, Thomas O'Brien and John Connelly, personally?—A. No, sir; I do not personally. I did not see them.

Q. And you are not prepared now to state whether this Little Sisters of the Poor have their residence on Hebert, between Eighteenth
81 and Nineteenth streets, or between Nineteenth and Twentieth streets?—A. I think, and my impression is, that it was on the corner of Nineteenth and Hebert.

Q. Which side of Nineteenth, west side or east?—A. Northwest corner.

Q. That would be on the west side of Nineteenth street?—A. Yes, sir; the west side of Nineteenth street.

Q. Then it would be on Hebert street, between Nineteenth and Twentieth street, would it not?—A. No, sir; it is on the corner.

Q. If it was on the west side of Nineteenth street, it would be between Nineteenth and Twentieth streets; in other words, the next street west of Nineteenth street is Twentieth street, is it not?—A. Yes, sir; some distance off. West Eighteenth street, if it were run through, would go through part of their grounds—part of the grounds of the Little Sisters of the Poor. I cannot say that the Little Sisters of the Poor are between Nineteenth and Twentieth streets, because there is where Eighteenth street would come in (indicating), on the south side of Hebert street; in that case it would make it between Eighteenth and Nineteenth streets. But, as I have said, Eighteenth street does not run through; on the north side of Hebert it is cut through, but there it stops, because it would cut right straight through the grounds of the Little Sisters of the Poor. I still call their location Nineteenth and Hebert streets.

Q. That is, on the corner of Nineteenth and Hebert streets?—

82 A. Yes, sir; on the corner of Nineteenth and Hebert streets.

Q. On the west side of Nineteenth street?—A. Yes, sir; on the northwest corner.

Q. It is on the side farthest from the river?—A. Yes, sir.

Q. The west side?—A. Yes, sir; that is my impression.

Q. Do you know whether these men, O'Brien and Connelly, live there at that place?—A. That is what the Sisters told me, that they had lived at the Sisters' for over nine years; that is, Thomas O'Brien has lived there over nine years, and John Connelly has lived there over one year, nearly two years, in the same house; that is my record, and that is what the Sisters told me.

Q. Did you inquire at the northwest corner of Eighteenth and Malinckrodt streets for William Jones, or on the southwest corner?—A. I inquired around in that neighborhood, and a boy told me, or rather a young man told me, where Mr. Jones had moved to; he had moved out near Grand avenue, on the Natural Bridge road, I think, or some road

up near Grand avenue. I went out and saw Mr. Jones, and he gave me this information, that he had lived on the southwest corner of Eighteenth and Mallinekrodt streets for some eight or ten months, and moved from there December tenth.

Q. He didn't claim to have lived on the northwest corner, from which place he had registered and voted on election day for Mr. Frost?
83 —A. No, he didn't say that; the streets are so mixed that you can't tell which is the northwest hardly.

Q. What information are you now giving?—A. I give you now the information which he gave me.

Q. You found no Jerry Sargee on Eighteenth and O'Fallon, although you inquire for such a man?—A. I found no such man there as Jerry Sargee.

Q. My question was whether you inquired for a man named Jerry Sargee on the corner, on the corner of Eighteenth and O'Fallon, and I understand you to say that you did make that inquiry, and found no such man there; but that you did find a man by the name of Jerry Savage residing in the yard at 1410 North Eighteenth street, and who had resided there for two years; is that correct?—A. That is it; Jerry Savage lives in the yard of 1410 North Eighteenth street, and has for two years.

Q. John Mulligan, where did you find that he lived?—A. He lives at 1328 North Eighteenth street.

Q. And has lived there for four years?—A. Over four years.

Q. Did you inquire at 1338 North Eighteenth street for John Milligan?—A. I inquired for Milligan and couldn't find him; somebody stated Mulligan; then it was Mulligan who gave me this information, and how he spelt his name.

Q. Didn't you also learn that there was no man named Milligan living in that neighborhood?—A. I couldn't find Milligan; if I had
84 found him, I would not have looked for, or taken, Mulligan.

Q. Isn't it a fact, that there is no such number as 1338 North Eighteenth street?—A. I don't know whether it is a vacant lot or not.

Q. Do the numbers run as high as 1338?—A. Yes, I guess they do; of course they do; they go to 1400.

Q. I mean are there as many as seventeen houses between those two streets, that would make 38?—A. If there had been any 1338, I would have gone there; but I couldn't find it there.

Q. Then there is no such number as 1338?—A. If there had been I would have made a memorandum of it.

Q. Did you see John Mulligan himself?—A. I did.

Q. How old a man is he?—A. I should judge him to be—the man that represented himself to be Mulligan—I should judge him to be about twenty-five or thirty; may be a little over; I suppose the reason I happened to see him was because it was St. Patrick's day, and it was a holiday with him.

Q. You found a man by the name of George T. Troxell at 2607 North Twelfth street, did you?—A. I found that Mr. Troxell had lived there; I inquired next door and they also gave me the information that his daughter or son was married in the fall; that Mr. Troxell had lived there and moved away in the fall; I tried to find out what time he had
85 moved away, whether he had moved away the early part of the fall, or about election times; they said they knew he was there on election day, because he voted there. That was the information I received.

Q. And you, in consideration of the fact that he voted for Mr. Frost,

caused him to be moved away on the day following the election?—A. No, sir; the lady told me he was there until November 4th.

Q. "About November 4th" you testified this morning?—A. I said "about," because I don't know exactly.

Q. But whether his name was George T., or John S., or William, you have no idea?—A. I cannot say.

Q. No one there was intimately enough acquainted with him, to know his given name?—A. He had moved away and the people next door couldn't tell me what his first name was.

Q. Where did this man Sarber move to when he left Fifteenth and Madison?—A. He lives there yet according to my information.

Q. He lives there now, does he?—A. He lives there yet; at any rate he lived there a couple of weeks ago; the way I come to know that is that I went to the grocery store and inquired—at the grocery store opposite—and they told me where he lived; so I went over to that house, across the street and I couldn't make any man hear in the part of the house he lived in; but a woman lived down-stairs, she gave me this information, that John Sarber lived there on the corner of Fifteenth and Madison streets, and has lived there nearly a year.

Q. Did you see him personally?—A. I did not, nor no one from his family; I couldn't get into his part of the house; it is a tenement house; the lady down-stairs gave me this information.

Q. What is the correct name?—A. John Sarber, the way I understood it.

Q. And you are quite positive that he lives there now?—A. He lived there at that time, because the lady said he had lived there nearly a year.

Q. Some woman in the house told you that?—A. Some woman in the house, down-stairs, told me that. And the men in the grocery store, across the street, told me that—told me where he lived. I got turned around in those streets there, so I had to ask in this place where he lived; I went down one street and come up another; I couldn't tell the northwest corner from the southwest corner. I didn't know that except by inquiry there. I thought this grocery keeper and this woman ought to know where that gentleman lived.

Q. You didn't find Wegman at 1024, but you did find him in the building in the rear?—A. In the rear.

Q. Not in front then?—A. On the southeast corner.

Q. On Fifteenth and Carr streets, and you learned that he had lived there for one year?—A. Yes, sir.

Q. Mr. Thomas Taylor you found residing at 3137 West Division street, and has lived there for eleven years?—A. Lives at 3137, and has lived there for eleven years.

Q. Did you inquire at 3157 West Division street for Thomas Taylor?—A. I don't think I did. I think it is a vacant lot; I don't remember. I think if I had seen that number I would have gone there.

Q. Did you ask this Mr. Thomas Taylor whether he was the man who registered both from 3157 and 3137 Division street, and cast two ballots on last election day for Mr. Frost?—A. I did not; for I didn't see him. The party I saw I took to be his wife. Now, in stating about 57 I said it was a vacant lot. I thought it was, but I am not sure; there might be a number there for all I know; but, at any rate, I didn't find Mr. Taylor at 3157, but did find him at 3137.

Q. This Saint Louis Times, in which you discovered these various names which you mentioned this morning, was a paper handed to you

by Mr. Donovan, was it not?—A. Well, somebody at his house handed it to me, sir; I got it, though.

Q. Do you know the date of that paper?—A. There are several papers together; I remember one; I think that was dated the twenty-fifth of October; I won't be sure about the dates; I think they were from the 15th on up; I couldn't be sure about the dates.

88 Q. How many papers did he give you?—A. I don't remember.

Q. Ten or twelve?—A. I didn't count them; I don't think there were as many as that, however; it is possible eight to ten.

Q. How many of those papers did you call these names from?—A. Wherever I could find the precinct and page of the paper. I would find the precinct of these names and then look in the paper for those precincts.

Q. How many names were there on the list that Mr. Donovan gave you, and told you to see if the same names could be found in these papers?—A. Well, I don't know how many names; there was over fifty pages of them here. I don't know how many names there were. I didn't count them.

Q. You have given this morning fifty-five names of that description; you have not given one in twenty of the names he gave you?—A. I don't know about that.

Q. Well, what is your judgment about it? There are about thirty names to a page there, are there not?—A. No, sir.

Q. There are some ten names to a page. How many pages did you say there were?—A. There is probably fifty pages there.

Q. And out of all those names—

WITNESS. But they don't average ten to the page.

Q. And out of all those names which he gave you you could
89 only find after a careful, thorough, and diligent search fifty-five in these papers which he gave you?—A. I think that I testified that it was a partial examination. I didn't say it was a full examination. Mr. Donovan asked me if I had made a partial examination.

Q. What was the object of making a partial examination?

Mr. POLLARD. I must again object to the counsel for the contestee directing the witness how to testify.

WITNESS. It is a partial examination in so far that I didn't have time to finish it; then, again, I didn't discover the precincts in which some of these people lived whose names I had.

Q. Now, I ask you what was the object in making a partial examination?—A. I didn't take it in order to make a partial examination. I brought it down here this morning, not knowing that I had to testify in regard to it. I merely brought it down to show how far as I have done the work; I have not completed the work; I expect to go on with it to-morrow; I wanted to show Mr. Donovan how far I had gotten with it. I am going to work on something else, in continuation of this same subject.

Q. Isn't it true that in very many of these instances you found the name in the paper spelled quite differently from that on the memorandum which Mr. Donovan gave you?—A. I did in some instances; yes.

Q. Isn't it quite true that you found the residences, in a great many instances, quite different in the two papers?—A. I will not say a great
90 many; there might be in some of them, but it was the precincts that I was comparing them with. Where they lived within the precinct I thought I might find that precinct; if I did I would

put it down on the paper; there would be a little difference probably from what it was in this list.

Q. Was the precinct marked against the name of the individual on the memorandum given you by Mr. Donovan?—A. No, sir; I marked it myself.

Q. The same precinct that you found in the newspaper?—A. Then I looked in the newspapers afterwards to see if I could find this man's name and precinct; then I would put down the page and the column.

Q. On the memorandum which Mr. Donovan gave you you first examined to see whether the number was placed opposite the name of the individual?—A. To see what precinct it was in.

Q. Then you marked that precinct against the name?—A. No; I examined the papers to see if I could find that name in that precinct.

Q. You examined the newspaper. What you mean to say is that when Mr. Donovan gave you this list, containing from six to eight hundred names, that you run through it to ascertain what precinct each residence was in, as designated on the list?—A. Each name; yes, sir; I did so.

Q. Did you make a memorandum of the one before you went
91 to another name?—A. Certainly I did; to find the precinct.

Q. Did you make a memorandum of the precinct before you went to another one?—A. Yes, sir.

Q. Right on that memorandum?—A. No, sir; not just on that memorandum; I put it on the page.

Q. Then you took the Saint Louis Times newspaper and read through it?—A. Yes, sir.

Q. And made a memorandum against every name that you could find in the newspaper corresponding to this name, and placed the newspaper precinct also there, did you?—A. No; I saw that the precinct in the newspaper was the same as those I had on my list.

Q. Was it the same?—A. If it was I would put it down on my list; if it wasn't of course I couldn't.

Q. Was it the same there?—A. In many cases it was the same number.

Q. And in many cases it was not?—A. Some I couldn't find in the paper.

Signature waived.

JESSE WOODS, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

92 Question. What is your full name?—Answer. Jesse Woods.

Q. Mr. Woods, how long have you lived in the city of Saint Louis?—A. About twelve years; been backward and forward; been stationed here for nearly seven years.

Q. Do you know some of the negroes who stated that they testified in this case on behalf of the contestant, Mr. Sessinghaus?—A. Yes, sir; I know some two or three.

Q. Can you give their names now?—A. You mean who came up here.

Q. Those who had testified here on the behalf of the contestant, Mr. Sessinghaus, on his side of the case?—A. Well, I heard one man named John Haskell, for one; he came up to the corner of Eighth and Morgan in the presence of me and some others—

Mr. POLLARD. I object to the witness stating anything further; he has answered the question; when another question is asked he may then answer that one. I don't like to see the witness so eager.

By Mr. DONOVAN:

Q. Please go on and state what was said to you in the presence of others: tell the whole story.

Mr. POLLARD. I object to that; there has been no foundation laid for the evidence; if he intends to impeach the witness he must ask
93 the witness whom he intends to impeach such questions as will put the witness upon guard; he must lay the proper grounds; he must designate to the witness whom he intends to impeach, the time and place, and the circumstances under which the conversation which he now proposes to bring out occurred. The idea of bringing a man in here to testify about what a certain witness said, at no definite time, at no definite place, is entirely beyond any legal lore which either the gentleman on that side or on this side of the case have ever read; and for this witness to come on here and start, with a word of inquiry, to telling this stuff shows an extreme desire on the part of somebody to earn a witness' fee in this case; I think it is entirely out of place for this witness, who comes up here on being simply asked if he knows the name of any man who has testified in this case, to volunteer the statement of what they said; it shows that he is not only biased in this case, but that he is prepared and ready to say anything that the counsel for the contestee may wish him to say. I want to notify the witness now that he is on oath; that he is sworn to tell the truth, and I want to give him notice that after a witness has been sworn to tell the truth it behoves him to tell that and nothing else in the world.

By Mr. DONOVAN:

Q. I would like to know from you what each of those gentlemen said to you?

Mr. POLLARD. I object to the question, for the reasons heretofore stated.

WITNESS. He only said to me that there was a place up here
94 where I could make some money. I asked him where. He said, "Well, it don't make any difference where it was at;" if I would come and go with him he would show me where I could get the money; he said he was getting half a dollar for taking me up there; but I didn't go. There was another young man there, he wanted him to go too; but he wouldn't go either; he told me I could get six bits at this place; says he, "I have just got my six bits, and I live on Wash street; I wasn't here on election day, but they told me to go and say that I was refused to vote, and I got my six bits." I asked him where this was done at, and he said at Mr. Metcalfe's office. This was said at that time in the presence of Mr. Gross. According to my recollection there was another man present, a Mr. John Adam. He said there was a good many of the colored people doing that. This was quite recently that he said this to me.

By Mr. DONOVAN:

Q. Did he wish you to do it?

Mr. POLLARD. I object to that, because it is irrelevant and immaterial, and because the witness is evidently, from his manner of testifying here on this stand, telling what is not the fact, and he knows it.

WITNESS. Well, I am under oath, ain't I.

Mr. POLLARD. I warn you now that you stick to the truth in your statements without deviation of any kind.

WITNESS. Just what I know I am telling you, and nothing else. I don't know anything about this test (contest) case between

95 Mr. Sessinghaus and Mr. Frost. I didn't know there was a test

here until three or four weeks ago. I was only informed of it on the corner. I saw this man about two weeks ago engaged in the business there that he said he was on; he seemed to be there a good deal and seemed to take a good many men away. He said he was taking them up to this office.

Mr. POLLARD. I object to the witness telling anything further than what is asked him; he has answered the question that was put to him; now he is going on to tell a lot of other stuff which when it is asked him in the shape of a question we want to have the privilege of objecting. He shows most conclusively that he has been brought here for a purpose, and he is anxious to finish it and get away.

Mr. DONOVAN. Mr. Pollard just saves me the trouble of examining this witness. If he has any further questions to ask him he will please to do so now.

Mr. POLLARD. I have never asked him one question.

By Mr. DONOVAN:

Q. Well, you were proceeding to state what Mr. Haskell informed you in regard to the manner in which negro testimony was manufactured in behalf of the contestant in this cause; did he say anything else about anybody else that had been on the stand or anything in regard to this manufacture of negro testimony; if so, you can state it now.

96 Mr. POLLARD. I object to that, because it is not so. The witness has not proceeded to state the least thing about the alleged manufacture of any testimony in this case, because I apprehend that he don't dare to swear to a lie, in the interest even of the contestee.

WITNESS. No, sir; I shall not swear to a lie. This man Gross was right there at that place when this thing happened. Haskell wanted me to go with him up to this place, where he said I could make six bits.

By Mr. DONOVAN:

Q. You do not live in the third Congressional district at all?—A. No, sir.

Mr. POLLARD. I object to that as leading to a very willing witness. I wish the witness would give me a half an opportunity to make an objection before he answers the question.

WITNESS. I know that Gross didn't live there, and that Haskell didn't live in the third Congressional district. He lives way up there between Morgan and Christy avenues. I told him I didn't wish to swear to anything that wasn't so; that was my thoughts about it. I know that the third Congressional district leads up there about Wash street and Franklin avenue, around in there.

By Mr. DONOVAN:

Q. And you say these witnesses went upon the stand and testified that they were refused the privilege of voting for Mr. Sessinghaus, when in fact they did not live in his district; and they wanted you to say the same thing, and thus earn seventy-five cents?—A. Yes, sir.

Mr. POLLARD. I object to that question because it is leading; because it is stating a proposition which is not true; and because the witness well knows when he is so ready to answer "Yes," that it is not true.

WITNESS. Well, I know what this man said to me, and I would not go up there, because I wouldn't do any such thing. I wouldn't think

of doing any such thing; it don't make any difference which side it is on.

Mr. POLLARD. I am not asking you any question.

WITNESS. I said—

Mr. POLLARD. I object to any statement by the witness unless there is a question put to him.

Mr. DONOVAN. Well, have you any further question to ask him.

Mr. POLLARD. I have asked him none.

Mr. DONOVAN. The witness is talking to you, not to me.

Mr. POLLARD. You have brought the man on the stand, but, without waiting for a question, he launches out into a volunteer statement.

98 WITNESS. I am talking to the judge here (the notary).

By Mr. DONOVAN:

Q. Now, do you know of any other witnesses that testified in this controversy for Mr. Sessinghaus who were not in the city on election day? If so, you may state it.

Mr. POLLARD. The question now is, do you know of any other such person, not what they said? Confine yourself to the question.

A. Yes, sir. John Adams said to me that he wanted him to go up; but I don't remember him telling me who it was wanted him to go up to testify that he wanted to vote, and they wouldn't let him vote because he was a colored man, and wanted to vote for Mr. Sessinghaus. He is a steamboatman, and you can find him in the city at the present time.

By Mr. DONOVAN:

Q. He went up and testified that he was refused the privilege of voting for Mr. Sessinghaus?—A. He didn't go up and testify that. They wanted him to go up and testify, but he wouldn't do it.

Q. Did he tell them that he was not in the city on election day?—A. Yes, sir.

Q. They knew that fact?—A. Yes, sir; because he told them. He didn't want to go up there, because he didn't want to get into trouble.

Q. That is the reason he didn't earn his seventy-five cents?—A. Yes, sir.

99 Q. Now, do you know a colored man by the name of Lewis that was employed in behalf of the contestant in this manufacture of negro testimony?

Mr. POLLARD. I object to the question because no man by the name of Lewis, white or black, was employed by the contestant in this controversy to manufacture testimony; neither was any man of any description employed by us to manufacture testimony, and, furthermore, this man Lewis referred to by the counsel for the contestee has been upon this witness-stand, and has sworn here himself that he was not so employed, but was employed at the instance of the contestee himself. The counsel for the contestee desires to make his own witness perjure himself, as he will endeavor to do with this witness as soon as he can get him to that place.

Mr. DONOVAN. Mr. Lewis was put upon the witness-stand by me, but was frightened to death by threats of the counsel for the contestant, and by thugs and buffers who were sent around to his house to prevent him from giving his testimony in this cause, and other witnesses that were to testify in this case on behalf of the contestee have been frightened away and bought up, or sent out of the city. This man, the present witness on the stand, will only testify to what is within his own

knowledge, and he was in no manner connected with the contestant or the contestee in the progress of this case.

100 Mr. POLLARD. Now, I have simply to say that the statement that the gentleman has made, that we have bought up any witness to leave this town, or that we have frightened any witness to death, or that we have under any circumstances done anything more than to notify the witness what would be the consequences if he had come on this stand and swore to a lie willfully, and for the purpose of pay on the part of the contestee, is wholly, absolutely, and totally false, and the counsel for the contestee well knows it. He, furthermore, well knows, as do we, and we shall introduce the proof when the proper time comes, that he has raked every slum and disreputable place of this city to buy negroes for the purpose and object, as is the case with this one, to perjure themselves in the interest of the contestee.

Mr. DONOVAN. It is really a mystery to me why the counsel for the contestant have become so agitated and exercised about the testimony of this witness; if there be nothing in his testimony, if he is falsifying the facts, I take it it is a very easy matter to show it on the cross-examination and not pursue this course of intimidation while I am endeavoring to examine him in-chief. It is certainly a new idea to me that I cannot introduce my witness and examine him without having him bulldozed and threatened before I can elicit his evidence. As for the statement of the gentleman that the contestee has raked the slums of this city for negroes who would swear falsely on be-

101 half of the contestee, it is so highly absurd that I will let it remain unanswered until that proper time comes, which the counsel for the contestant has promised; at which time I shall be prepared to hear his proof, and answer him. As to this witness, Mr. Pollard knows as well as I do that he has not been brought here for pay, but that he is going to testify as any other witness would have to do in the cause, as to the facts that passed under his observation.

Mr. POLLARD. It is well known, and the gentlemen have themselves admitted it, that this witness had been in their drill-room here for the past few days, and while there was going through the sweating process, and now to come here and make the statement that this witness is not to be paid for the oaths that he takes to-day is passing belief.

By Mr. DONOVAN:

Q. Now, Mr. Woods, I simply ask, did you know a certain Mr. Lewis that was employed in behalf of Mr. Sessinghaus in this case?—A. I know Lewis when I see him. I never seen Lewis to know him not before last Saturday. I didn't know him until then. We was all over at the Four Courts; Lewis was up in Capt. Carter's and Milton Turner's place in the Four Courts.

Q. Mr. Milton Turner was the minister to Liberia on behalf of the United States Government?—A. Yes, sir. We were speaking about the election.

Mr. POLLARD. There is no question asked you; why do you
102 volunteer what you were talking about?

Mr. DONOVAN. I will remain quiet until you can answer the questions of Mr. Pollard. (To the witness:) What do you know about Lewis; what do you know in regard to him?

A. I know Lewis started and says to me—

Mr. POLLARD. I object to that because the counsel for the contestee is now endeavoring to make his own witness perjure himself; he is trying to make him swear to a lie, and the witness seems ready to accede.

WITNESS. No, sir; I am not swearing to no lie; I am swearing to what Lewis told me. He told me he was working in the Sessinghaus case, for some parties; he made some mention about it. He told this to me and a young man named Anderson, on Seventh street. He told us that he had gone up on Seventh street to William Williams and got the names of parties, some thirty-five in all. Mr. Anderson was with us at the time. That he afterwards saw those men and had them go to T. J. Smith. I don't know where that is at. That J. T. Smith had used to come behind him—after him—and get the names of these men; that he would drill them; if you will go and get Mr. Anderson he will tell you the same thing; he was along and heard the same thing. He said he couldn't find none of them men on the books, so he went to William Williams's house and he give him the names of a lot of men. He said he knew that there was men on the stand that had testified and had not told the truth; that the men didn't live in the places
103 where they said they did. And they knew they didn't live there, because they went there and got the location of colored men who lived at these places, and then put these other negroes in their place. Lewis said that to me.

By Mr. DONOVAN:

Q. Who did he say drilled them?—A. Well, T. J. Smith. It was Smith, I know that; I know Mr. Smith if I saw him. I am not personally acquainted with him; I know him when I see him.

Q. What do you know in regard to negroes coming upon the stand two or three different times, under different names, and testifying in this case, thereby getting seventy-five cents each appearance?

Mr. POLLARD. I object to that for the reason that this witness was not present during this examination. Now if he proceeds to testify in that regard he will perjure himself, and that seems to be the object of the counsel for the contestee.

A. There was seven men come to me who stated that it didn't make any difference at all about the name; they could just go there and swear and come away and then go back again. They used to get their money on Carr street, between Tenth and Eleventh streets, on the east side; as near as my knowledge can recollect that is what they told me. There was nobody told me nothing else about this; I was not spoken to by any man except these fellows; and they told me where they got their money.

104

By Mr. DONOVAN:

Q. What do you know in regard to negroes coming two or three times on the stand?—A. I don't know any more than I have already stated to you. That is what they told me themselves; that they come two or three times to get money. They showed me the money they got—six bits to a dollar. I just come again those parties.

Q. They came up and swore under different names that they were refused the privilege of voting.

Mr. POLLARD. I object to that question as being leading and as putting testimony into the mouth of this very willing witness, who is prepared and anxious to say "yes" to it.

By Mr. DONOVAN:

Q. What did they say, Mr. Woods?—A. They said they voted under different names, out of that district or in that district, it didn't make any difference. They said they had to say that they wanted to vote for

Sessinghaus and they wasn't let, and then they got their six bits for it. I never was up in this office before, gentlemen.

Q. Well, did Mr. Lewis tell these gentlemen that they would not be injured if they did this?

Mr. POLLARD. I object to that question because he has not said that Mr. Lewis told them anything; the question is leading and is put into the mouth of the witness, who not only answers the one question in the way he is expected to, but then goes on with a lot of other stuff
105 which is not called for by the question, but which he has evidently studied up during the last four or five hours while in the drill-room.

By Mr. DONOVAN:

Q. Have you been in any drill-room, or taken any lecture from anybody concerning your testimony here to-day?—A. No, sir.

Q. Are you not just telling the facts in the case as they passed beneath your observation?—A. Yes, sir.

Mr. POLLARD. I object to that because it is leading and as putting into the mouth of the witness the testimony he wants him to give.

By Mr. DONOVAN:

Q. How long were you in my office this afternoon?—A. About three minutes or five, as near as I can come at it. The last time I was in it I suppose it was about seven minutes in all. Then I came into this room.

Q. Were you not brought to me by a gentleman that was an entire stranger to this case?—A. Yes, sir; I don't know the gentleman that brought me here. I didn't know nothing about what was to be done here. I did not have no idea it was coming this far.

Q. Now, did Lewis say anything in regard to these men saved from harm, provided that they would do this—give this class of testimony?

—A. Lewis said he said to these men whom he wanted to go up there to swear that they wanted to register and vote; these colored men

106 he said to them that nothing could be done to with them. I said this wouldn't do me. I wouldn't go there and swear to a lie, if I

did I would criminate myself. I did not believe he could find the poorest colored man in the city that would do that—that is, go on the stand and swear to a lie. But he went on to say that he had taken these men out there, and that he had been given a quarter for bringing each man up. I said that might be done by some colored people, but you could never get me to do it.

Q. You don't seem to get my question; what did he say about keeping them from any harm for doing this thing?

Mr. POLLARD. I object to this question because it is apparent that the counsel for the contestee in his inordinate love for the colored man called one on the stand to get him to swear to a state of facts which he knows are not true, and is doing it for the purpose simply of later on impeaching him, as he endeavored to do with his witness Lewis, about whom so much has been said.

WITNESS. Lewis furthermore said that he told these parties that they could not be hurt if they testified, because these that they testified for would be afraid to hurt them. To me he was going to give the whole plan if I wanted anything to do with it. I told him I didn't want to know anything about it—didn't want to have anything to do with it.

By Mr. DONOVAN:

Q. This is Lewis we are talking about, this man that was em-

107 ployed by the contestant in this case, Mr. Sessinghaus?—A. Yes, sir; he had been with Mr. Smith, and he and Smith had done this; they were both working for Mr. Sessinghaus's side; they were going to defeat Mr. Frost. I believe he said they had twenty days to Frost's ten.

Q. Now, proceed in regard to these individual colored men that came to you; that were on the stand; that told you themselves without your asking them anything about it?—A. Well, this man Lewis—

Mr. POLLARD. I object to that question because this man has sworn, himself, that he doesn't know that any colored man was on the stand; that he was not present during the examination, and cannot know. Now, he has come here and is attempting to swear that certain things did happen, when in truth and fact he was not present and knows nothing about it.

By Mr. DONOVAN:

Q. You only know what they told you?—A. That is all I know; only what I know I intend to tell.

Q. You were proceeding to say something further that Lewis told you. What was that?—A. Lewis said that after Mr. Sessinghaus had had his twenty days, then Frost would have twenty days, and then after that Mr. Sessinghaus would have ten days more, and if Mr. Sessinghaus got through all right, why, he would be liable to remember the men as helped him along. He said he was going to make some money out of it; he had already made some, and he expected to make

108 some more; that is as near as I can think what Lewis told me.

Q. Did he state whether Mr. Smith drilled these witnesses?—

A. Yes, sir; he said they were drilled by Smith somewhere on Carr street, or Biddle street, between Ninth and Tenth streets.

Q. You don't personally know where Mr. Smith does live?—A. No, sir.

Q. But this drilling occurred somewhere in the vicinity of his house?—A. Somewhere in that district, between either Ninth and Tenth or Tenth and Eleventh streets.

By Mr. POLLARD:

Q. Did you say on Biddle street?—A. Biddle or Carr streets; I disremember now; it is in that neighborhood. There was other parties present at the time he told me this; there was three or four in the room.

By Mr. DONOVAN:

Q. How many of these men tried to get you to go up and swear that you were refused the privilege of voting for Mr. Sessinghaus?

Mr. POLLARD. I object to that question, because it makes no difference if ten thousand men asked him to go; it is mere hearsay. The object of the counsel seems to be to put in a lot of blarney into this record.

WITNESS. Well, Lewis did for one, till he found out that I 109 lived in the Tenth ward, then he said I couldn't do it. That was the only time I ever saw Lewis to know him until Saturday, over here at Mr. Turner's office. Then I come to know him on Saturday. He says, "Well, you remember I was the man that came to your house to get the names of colored men?" I says, "Yes." I remembered him then; that he had got the names of a lot of men who didn't live there. He said that was what he was after, to get the names of river men. That is what Lewis said to me on Saturday, when I got acquainted with him. So far as men is concerned whose names he got, I didn't see none of them.

By Mr. DONOVAN:

Q. You are testifying only to what these men told you themselves?—
A. I am testifying only to what these men told me themselves; yes, sir;
I didn't ask them for it.

Q. What was the name of this man that went up three times?—A.
John Haskell.

Q. Do you know what name he gave the second time, or the third
time when he came on the stand?

By Mr. POLLARD:

Q. State of your own knowledge.—A. I don't know of my own knowl-
edge; he goes by two names; we all call him Greenback—Greenback
Charlie, and he then goes by his right name, and that is John Haskell
or Haskin. The most of them call him Greenback.

By Mr. DONOVAN:

Q. You don't know what name he gave on the witness-stand?
110 —A. No, sir.

Q. Did he tell you what name he gave?—A. No, sir; he did
not.

Cross-examination by Mr. POLLARD:

Q. How long have you been employed in this matter, Mr. Woods?—
A. I have never been employed in it, sir.

Q. How long is it since you first saw Mr. Donovan in this case?—A.
Mr. Donovan? Well, I think it was last week. I don't remember of
seeing him before that; that was my first appearance to you, wasn't it?

Mr. DONOVAN. Yes, sir.

By Mr. POLLARD:

Q. Why did you go to five or six colored men and tell them that if
they would come up here and swear in answer to questions that were
propounded to them, such things as they would be told to say, that
they would be well paid for it?

WITNESS. Why did I go?

COUNSEL. Yes.

A. I didn't do that, sir.

Q. You say now, do you not, that you never told any colored man, if
he would come up here and swear as a witness in this case, that he
would be well paid for it?—A. Yes, sir; I say I never did it.

Q. No man?—A. No man; no, sir.

111 Q. This never occurred?—A. No, sir.

Q. Not within the past week?—A. Not within the past week.
I had nothing to do with it; I didn't say that I ever did.

Q. What is your business, Mr. Woods?—A. I keep a saloon for Nor-
man Curtis, 717 Morgan street, between Seventh and Eighth streets,
north side of the street.

Q. You are an active politician, are you not?—A. No, sir; I am not.

Q. Didn't you act yesterday all day and work in the interests of Mr.
Overstolz for pay?—A. For pay? I worked in the interests of Mr.
Overstolz, because he was the friend of the colored man; I voted the
straight Republican ticket all but Overstolz; I voted for him.

Q. But did you work for him for pay?—A. No, sir.

Q. How much pay did you get from him or his agents for the work
you did yesterday?—A. Didn't get none.

Q. They haven't paid you yet?—A. No; I have never got a nickel

from Overstolz or his agents. I seen Mr. Overstolz about six weeks ago; I seen him walking on the street about a block or two away.

Q. You are a colored man?—A. Yes, sir; I am.

112 Q. Where was you born?—A. I was born in Boonville, Missouri; I resided in Louisiana, Missouri.

Q. Mr. Overstolz was the Democratic candidate for mayor, yesterday?—A. Yes, sir; and Mr. Ewing was the Republican candidate; but they are both Democrats.

Q. Now, you are just as confident of the truth of that statement as you are of any statement that you have made on this stand?—A. No, sir; I am not confident.

Q. Why do you make statements that you don't know to be true?—

A. I made that statement because I have heard that said all over this town—that Mr. Overstolz and Mr. Ewing are both Democrats.

Q. But you do not know?—A. I picked out Mr. Overstolz from the two.

Q. You are just as confident of the truth of that statement, that both men are Democrats, as you are of anything you have testified to today?—A. I did vote for Mr. Overstolz.

Q. Why do you say that you know Mr. Ewing to be a Democrat?—

A. I said that Mr. Ewing is a Democrat as far as I know.

Q. This is just about on a par with the other statements you have made on that stand to-day?—A. No, sir; it is not.

Q. Did you not answer that question a short time ago, and say that they were both Democrats?—A. No, sir; I didn't say that; I

113 said I wasn't confident. I think that was the way your question went. I said I would swear to the truth of everything I know about this case, and nothing else. I don't see, for the life of me, what this has got to do with it. I don't know for certain whether Ewing is a Democrat or not; but that was the talk, and I don't swear that he is a Democrat; but I do swear to what I testify in connection with this case. What I say about this testimony is what I know. But to ask me a lot of foolish questions about politics and about Mr. Ewing, I don't propose to put up with it; and I won't answer them. You ask me about this test case, and I'll tell you all I know.

Q. Did Mr. Lewis tell you that he had been employed by Mr. Donovan in this case?—A. Did he tell me he was employed by Mr. Donovan?

COUNSEL. Yes.

A. No, sir; he did not.

Q. Did he tell you that he had been a witness on this stand on behalf of Mr. Frost?—A. No, sir; Lewis told me he was a witness on the other side.

Q. Did he tell you that he had been on this stand as a witness on behalf of the contestee, and that he had sworn that he knew absolutely nothing about Mr. Sessinghaus or any of his agents or employes but what was legal, right, and proper?—A. No, sir; he did not tell me that; he told me that he was working for Mr. Sessinghaus; that he was paid to work for him; he didn't tell me that he was on the witness-stand.

Q. Did he tell you that he had been paid to work for Mr. Frost in the case?—A. No, sir; he did not.

Q. Did he tell you that he had been working in the interests of Mr. Frost?—A. No, sir.

Q. He didn't tell you that interesting part of his history?—A. No, sir; he said he had made money on both sides; both ways.

* From 113 to 118, latter inclusive, omitted. Took the 113 for 118.

Q. That is, he had money for Mr. Frost as well as for Mr. Sessinghaus?—A. He didn't call Mr. Frost's name; he said he had made money on both sides.

Q. This conversation was last Saturday?—A. Yes, sir.

Q. And that was the first time you had ever seen Mr. Lewis to know him?—A. That was the first time that I had ever had any conversation with him.

Q. What were you doing last Saturday up at the four courts?—A. We was up there in Mr. Turner's office, discussing there, talking about politics.

Q. Has Mr. Turner an office at the four courts?—A. I don't know whether he has or not.

Q. In whose office was he?—A. In his own, I suppose; he had a table in there, and stove and things, and was doing his writing there.

Q. That was the headquarters of the Democratic negroes, was it not, for this campaign?—A. I don't know anything about any headquarters for Democratic negroes.

Q. Were not all those that were there at work in the interests of Mr. Overstolz for mayor?—A. These men went there for that purpose, to work in his interests; yes, sir; that was their purpose.

Q. And that is the kind of men you and Mr. Lewis are?—A. Sir?

Q. And that is the kind of men that you and Lewis are?—A. No, sir; that's not the kind of man I am; I vote for men that I suppose to be right; and I suppose Mr. Lewis does the same. I wouldn't work for Mr. Overstolz or any other man if I didn't think he was all right. I preferred Mr. Overstolz to Mr. Ewing; that was all.

Q. And you worked for him for pay?—A. I didn't get no pay; I spent some money myself. I wanted to vote for Mr. Overstolz, and I wanted to see him elected; but I didn't want to spend any money on him. I voted the Republican ticket all but Mr. Ewing; I voted for Mr. Overstolz instead. I voted and worked for him right there on Lucas avenue. I didn't vote or work for a single Democrat, if you want to know. I don't consider Mr. Overstolz a Democrat.

Q. What has been your business for the past seven years?—A. In the saloon business; well, I boarded awhile and then I went away from here five years ago; I was on the police force in Memphis, Tennessee, in 1878, 1877, and 1876; then I got afraid of the yellow fever, and came to Saint Louis, and brought my family, and moved up on North Eleventh street.

121 Q. You were not summoned as a witness in this case, were you?

—A. I was not summoned?

Q. Were you?—A. I was summoned and brought here from my house by Mr. Donovan.

Q. Mr. Donovan summoned you?—A. Yes, sir; Mr. Donovan summoned me.

Q. How did he summons you?—A. He left a notice there for me to come up here to his office.

Q. Mr. Donovan is the counsel for the contestee in this case?—A. I do not know.

Q. Well, that is the gentleman that has been examining you?—A. Yes, sir; I didn't know him until I came here.

Q. And that is the way you were summoned here, to come at his beck and call?—A. I don't know whether I was subpoenaed that way or not.

Q. How much have you been paid to give this testimony?—A. Not two-and-a-half cents.

Q. How much do you expect to get?—A. Not a cent.

Q. How much have you been promised?—A. Not a cent, by Mr. Donovan or any one else.

Q. What did you tell Mr. Lewis when he gave you this information up at the four courts, on last Saturday, about what you were going to do?—A. Not a word, sir; because I wanted to find out the particulars from Mr. Lewis.

Q. Did Mr. Turner hear this conversation between you and Mr. Lewis on last Saturday?—A. No, sir; he was not in.

Q. What time in the day did this occur?—A. About—between twelve and eleven o'clock.

Q. Then this occurred on last Saturday between eleven and twelve o'clock at Mr. Turner's office in the four courts building?—A. Yes, sir.

Q. Who was present besides you and Lewis?—A. A man by the name of Reeves; I don't know his other name. He is a colored man.

Q. Did he hear this conversation?—A. He did, sir.

Q. What is his business?—A. Well, I don't know, sir. He is working in a candy store on Fifth street. He came here from Chicago, I believe.

Q. Working for a candy store on Fifth street, whereabouts?—A. I don't know; but either a candy store or a restaurant; I disremember which.

Q. Between which streets?—A. I couldn't say, sir. He was down there with me.

Q. He listened and heard this whole conversation?—A. Yes, sir; well, didn't hear as much of it as I did; when I commenced he was not there: I didn't ask him down there, but he happened to come in about that time; the door was not closed, and he just walked in.

Q. Did you talk with Lewis for the purpose of testifying in this case?—A. I went there for the purpose of finding Mr. Turner; he was not in, so I waited for him. I met Lewis there, and we began to talking about things; and he opened out about this Sessinghaus and Frost case; told me how much money he would make; he said he had got some already, and expected to get some more if Mr. Sessinghaus was successful.

Q. He would get money from both sides?—A. He had got money—he had worked for both sides, some way.

Q. Did he tell you how much money he had got from Mr. Frost's side?—A. No, sir; he did not.

Q. And in order to properly prepare his mind for the momentous question you took him from the third or fourth floor of the four courts building and had this talk with him?—A. No, sir; I did not; he was on the north side of the four courts as I came there.

Q. You took him from there and went to the office of the Hon. J. Milton Turner, and talked to him about this case?—A. No, sir; I didn't take him there for that purpose. I took him there simply because there were two or three men—or may be there was from five to eight men down-stairs—not more than four or five, and I didn't care to talk in their presence. After we went up there and found that Mr. Turner was not in; we waited awhile, then we went down-stairs again, and walked away and continued the conversation we had begun upstairs. Then we went back again upstairs; up there he talked a little more easy than he did down-stairs in the bar-room. When we went down-stairs that first time we went to a bar-room.

Q. Who were these other four or five men who were in Mr. Turner's office, when you had this conversation with Lewis?—A. They were

strangers to me; one man was Julius Dorsey—I know his name was Dorsey; he was a colored man.

Q. Where does he live?—A. I do not know, sir; I know him when I see him.

Q. What does he do?—A. He used to write policy, I think.

Q. You mean lottery?—A. Yes, sir.

Q. Where?—A. I don't know, sir.

Q. Who else was there?—A. The others was strange faces to me; I can't call their names now; I knew Reeves and Dorsey; but the other gentlemen I would know if I should see them; Captain Carter himself didn't get there.

Q. And that was between ten and eleven o'clock on the morning of last Saturday at Turner's office, and in the four courts building?—A. Yes, sir.

Q. How long were you in that room talking with Mr. Lewis about
125 the matters which you have detailed in evidence here?—A. About fifteen minutes.

Q. And from there you went to a saloon and had another talk?—A. Yes, sir.

Q. How long did you talk with him in the saloon about this matter?
—A. Well, from the time we went down to the saloon until we came back, I suppose it was about fifteen minutes, ten, or seventeen minutes.

Q. Whose saloon did you go to?—A. The first one that we came to after leaving the building.

Q. What street is it on?—A. On Clarke avenue.

Q. Between what streets?—A. Between Eleventh and Twelfth streets.

Q. Which side of Clarke avenue?—A. On the north side.

Q. It is about in the middle of that block?—A. It is about in the middle of that block.

Q. Who were present in the saloon when you and Lewis were having this conversation?—A. There was nobody there that I knew; I didn't take any particular notice of it. I don't remember of seeing anybody but the bar-keeper, and he wasn't taking any particular notice of it, because we was at the other end of the lunch counter.

Q. And from that saloon where did you go?—A. From that saloon we went back up in the office.

Q. What time was it when you got back to the office?—A.
126 That was about two o'clock.

Q. Did Mr. J. Milton Turner get there then?—A. No, sir; he didn't get there until pretty late; on toward four o'clock.

Q. And was this conversation continued from two until four o'clock?
—A. No, sir; it didn't last two hours. We were in that office over two hours; but we didn't talk about that all the time; we would start about something else.

Q. How long did you remain in that office?—A. I remained there, backwards and forwards at the Four Courts building and around there, until four o'clock Saturday afternoon.

Q. From two until four; that is two hours; were you with Lewis all that day, from ten o'clock in the morning until four o'clock in the afternoon?—A. No, sir; I was not; I was there with Lewis from about eleven o'clock up to about one o'clock. Then I left him, and came back again, from half past twelve, you might say, until two o'clock; then I came to the Four Courts.

Q. You were with him from half past twelve till two o'clock?—A. Yes, sir.

Q. Where were you during that time?—A. Oh, down-stairs, and corroborating around on the street.

Q. Except when you were at Turner's office?—A. Yes, sir.

27 Q. How many men did you talk with who told you that they had testified as witnesses in this contested election case?—A. Oh, some ten or twelve men, I should think.

Q. How many talks did you have with them altogether?—A. About twelve. They was not talking to me in particular; but they was speaking to the other men as much as to me. Sometimes I was alone, and sometimes I was in the crowd.

Q. Give me the names.—A. The names I can't give. They were roustabouts, running on the river; transient folks that has got no home; don't live here; the names that I do remember are John Haskell and Adams.

Q. John Adams told you he did not testify?—A. He did not.

Q. And who besides John Haskell told you that they had testified as witnesses in this case?—A. Some twelve.

Q. Well, who?—A. I don't know their names; they are roustabouts.

Q. Don't you know the name of a single one?—A. I have told you the names; I didn't take any particular notice of their names; it has slipped my memory. I might have known the names; but I couldn't call them now.

Q. Do you remember the names of any of the other twelve?—A. I can't remember their names. Some of them I knew when I saw them; but their names I guess I didn't take no notice of.

Q. Still you recollect distinctly and minutely every word they said to you?—A. No, sir; I don't know every word they said. I know very well they said it was a nice thing to go up here and swear that you couldn't get to vote and earn seventy-five cents.

Q. What are their names?—A. Well, I couldn't really think of their names; some of them I know when I see them. I took but little notice of them; I never put any names down.

Q. Didn't Haskell tell you that he had testified?—A. Yes, sir; not only once, but three or four times.

Q. Where was this conversation?—A. When was it? This was, I think, in the latter part of the month of March; about four weeks ago, I think, if not more.

Q. Not more than four weeks?—A. I said it has been about four weeks, if not more.

Q. Well, then, in the neighborhood of four weeks, was it?—A. I would suppose it was in the neighborhood of four weeks, or five weeks, or three weeks; I couldn't really tell. I didn't take much notice; not enough to know exactly.

Q. Did he, at the time that he had that conversation with you, tell you that there was still an opportunity to earn some money in that case; that the testimony was still being taken by Mr. Sessinghaus?—A. He didn't only tell me that personally, but he told it to others that was standing around in that crowd. This man Gross was there.

Q. Is Mr. Gross a colored man?—A. Yes, sir.

129 Q. Was he a witness in this case?—A. Not to my knowing, sir.

Q. What is Mr. Gross's first name?—A. Thomas Gross.

Q. Where does he live?—A. I couldn't really tell you.

Q. What is his business?—A. He is a boatman; fireman on the river.

Q. What boat does he work on?—A. I don't know that, sir; I suppose at different times different boats.

Q. At the time this conversation occurred, which was from three to five weeks ago, this man Haskell told you that the testimony on behalf of Mr. Sessinghaus was still going on, and for you to come on up and earn your seventy-five cents?—A. It may have been longer than that; but it is about three weeks since I missed Haskell; I have seen him until about three weeks ago, and I know it might have been shorter; but he told me to go up there, not myself, because I didn't live there; but I could take some men up there and get as much as if I went on the stand myself. That was on the corner of Eighth and Morgan.

Q. Was it in the day, or in the night time?—A. In the morning, about nine or ten o'clock, as near as I can come to it.

Q. Was it out on the street or in a saloon?—A. In the street.

130 Q. Who else was by at that time?—A. Some four or five persons there.

Q. Who were they?—A. That I couldn't tell you; different persons who came up during the time we was talking; I remember this man Gross, I called him; and he came with a man named Scott; I remember asking where this place was, and that gentleman was going to get his money back on the election; he is a barkeeper. Will Scott is on Morgan street; some place there, in fact the same place where I am.

Q. Where is that?—A. 717 Morgan street.

Q. And he heard all this same testimony, did he?—A. He did not hear nothing more than what I stated to you. I went and asked him where was this place where this man John Haskell got his money from; was it a bet on election or what? He says it was a test between Sessinghaus and Frost; asked me if I hadn't seen it in the paper some days already; he said he had been there three or four times to get his money.

Q. Now, all of these men who told you that they had been witnesses on the stand—

WITNESS. None of these men didn't tell me that they had been witnesses on the stand; these men told me that they had been up here and got six bits to a dollar.

Q. Didn't they tell you that they had testified in this case?—A. They said you had to go up and swear.

Q. Now, of all those men that told you that, you don't remember the name of but one, and that was John Haskell?—A. I remember
131 John Haskell; I suppose if I had had the other names written down somewhere I would remember them; I didn't put no names down.

Q. Did you put down the name of John Haskell?—A. I have known him for some time; I know John McGee, he was another man.

Q. He told you he had been up in the case and got seventy-five cents for swearing?—A. Yes, sir; he is a colored man; he is a large man; he drives a wagon around.

Q. Do you know where he lives?—A. No, sir.

Q. Can you remember any other man's name of that twelve?—A. I don't know; I might if you gave me a little time to think; they are all transient men; I know these men in the city very well when I see them; they are passing back and forth all the time; I don't know them by name.

Q. When did McGee tell you this fact?—A. McGee was there near about that day; said he had been up and got himself this six bits; that he was going back again to-morrow.

Q. And get another six bits?—A. Yes, sir.

Q. That was about how long ago?—A. I don't know that; McGee will know that better; I will bring McGee up here if you want to see him: I can find him in the market now.

Q. I didn't ask you that; we are not desirous of employing you
132 as a canvasser in this case; we will leave that for Mr. Donovan;
I asked you when it was that John McGee told you that fact?—A.
Well, it was along about the same time that this other man, Haskell,
did; or next day, I think it was.

Q. What time was that, what month was it in?—A. I don't know;
it was three or four weeks ago; I can't tell what time it was.

Mr. POLLARD. I will be obliged to the counsel for the contestee if he
will not tell this witness how to answer my questions in view of the
fact that he has so thoroughly drilled and posted him while in his pri-
vate room; he ought now to be satisfied to let me examine the witness
without suggestions from the gentleman. (To the witness.) Now, do
you remember after this lapse of time any other man's name who told
you that he had been up there and sworn in the contest?—A. I really
couldn't remember, sir; I would have to have some more time.

Q. You remember, then, Mr. John McGee and Mr. John Haskell?—
A. Yes, sir.

Q. And you don't remember any other witness's name, any other in-
dividual's name who told you he had been upon the witness-stand in
this case?—A. No, sir; I know they was river men.

Q. If you know them, who are they?—A. I know them when I see them;
but I know them to be river men, because I have seen them time and
again; some of the men told me they was going on steamboats on such
and such a day; some lived in the city; but I don't know those
133 men—not all of them; I didn't take any of those men's names
down, because I had nothing to do with it.

Q. Where is this man Lewis now who told you about this—who gave
you this information last Saturday?—A. I suppose he is here where he
rooms at.

Q. Did he not tell you that he was going to be a witness in this case?
—A. No, sir; he told me he was working this case for Mr. Sessing-
haus.

Q. At the present time?—A. No, sir; not at the present time; he
said he had been working this case for Mr. Sessinghaus; he made money
at it.

Q. He did not tell you that he had been working for Mr. Frost?—A. No,
sir.

Q. He did not say that he got money out of both sides?—A. Yes,
sir; he had got money out of both sides.

Q. Then that did not mean that he got any money from Mr. Frost's
side, did it?—A. I suppose it did; he said "both ways;" I suppose
that means on both sides.

Q. Now, what time in the day was it that you had this conversation
with Mr. Lewis?—A. Till two o'clock; I suppose from one up to two
o'clock; I come to the building, as I said before, about eleven o'clock;
I remember that very well, and I staid there until two, off and around.
I went to the four courts building and came back again; but didn't
have any more conversation, not about this matter; we had our
134 conversation about this thing between one and two o'clock, as
near as I can remember.

Q. Last Saturday?—A. Yes, sir.

Q. And that was in Turner's office?—A. Yes, sir.

H. MRS. 27—140

Q. And from Turner's office you went to the saloon?—A. Down to the saloon; yes, sir.

Q. But your conversation commenced in Turner's office?—A. Yes, sir; our conversation commenced in Turner's office.

Q. And ended in the saloon?—A. Well, in the saloon, and in the street together; when we was coming back he stopped and talked to the people.

Q. And as you stated before you talked with him some fifteen minutes, this office, and then went down-stairs to some saloon, and talked with him another fifteen minutes, so that it must have been half-past two o'clock when you got back to Turner's office?—A. It was near about that time.

Q. That is correct, is it not?—A. Yes, sir; that is nearly correct. I was there from eleven to two; that I remember as near as I can come at it.

Q. You talked with those twelve men who told you that they had, each and every one of them, appeared from one to ten times as witnesses in the contested election case?—A. I said about twelve men.

Q. Now, how many more men did you talk with about the matter, who told you what they knew about it?—A. I suppose there
135 might be twelve altogether in the whole thing. I couldn't say how many men I have talked to.

Q. And Lewis told you that he had gone up to one place and had got over one hundred men—colored men?—A. He said he had a hundred from there.

Q. From what house?—A. From Mr. Anderson's and Mrs. Williams's; he had got a hundred men from there—from Mr. Anderson's and Mrs. Williams's.

Q. Where does Anderson live?—A. That was not one hundred from one house; I say he had a hundred witnesses from around there—from Anderson's and Williams's. I don't know now where Anderson lives; he said he lived on Seventh street.

Q. Where does Williams live?—A. He said they lived on Seventh street.

Q. He got over a hundred witnesses from those two houses?—A. He said he got a hundred from there.

Q. And all in this case?—A. He didn't say that they testified; he said that he got one hundred names in there, and this man Smith came after him, and drilled them; but what Smith said is something else.

Q. You learned that Lewis drilled some men for Mr. Donovan?—A. This word drill is a very familiar one.

Q. You have been drilled in this case so much, that you know what it means?—A. No, sir; but that is a very familiar word—drill; that fits exactly.

Q. You are quite familiar with it?—A. Yes, sir.

136 Q. You understand it clearly?—A. I was in the army.

Q. And have been drilled as a witness in the case?—A. No, sir; never was. I was drilled in the army.

Q. Were you in the army?—A. For a long time I was. I was in the 26th Illinois, and 18th Louisiana; I was in several regiments. I was last with General Blair.

Q. In what regiment?—A. I was along with him; I couldn't say what regiment it was then. I was at Milliken's Bend, and New Carthage, just before the surrender of Vicksburg; I went out with him at that time.

Q. How old were you then?—A. About thirteen, I suppose; a kid.

Q. How old are you now?—A. 28 on the fourth of last gone March; I was born in 1853.

Q. Are you acquainted with Reub. Armstrong?—A. Yes, sir; I am not an intimate friend, however.

Q. Was he present when this conversation with Lewis the other day occurred?—A. No, sir.

Q. Did not Reub. Armstrong tell you in the past ten days or two weeks that he was at work manufacturing testimony to be used in this case?—A. I pledge you my word that Armstrong never spoke to me about this case in my life.

137 Q. Do you know William Anderson, a colored man?—A. No, sir; I know Pinkey Anderson.

Q. That is the man; he told you that he was at the time manufacturing testimony for the contestee in this case, did he not?—A. No, I don't really remember now; I think that Pinkey did say something to me; I think he did.

Q. Well, what did he say to you?—A. He said a very few words concerning this case. We was all in a hurry, and there was something to be done. This was down on Eleventh street.

Q. When was this?—A. Saturday—the same time.

Q. What time in the day of Saturday?—A. Saturday evening, about five o'clock. He was in a very big hurry.

Q. Who was along with you at the time, besides Anderson?—A. There was somebody else—this man Reeves was along; but he didn't hear it; I had but very little talk with him.

Q. He told you he was employed by Mr. Donovan in this case?—A. He didn't tell me he was employed by Mr. Donovan; he said something about the case; I don't remember what it was. I suppose he would have told me more if I had had time to listen. We went down to see a man about delivering a speech; it was about the election.

Q. Anderson is likewise a Democratic negro, is he not?—A. I don't know; I never seen a Democratic negro.

Q. Don't you know that Reub. Armstrong is one, and Lewis

138 is another?—A. Lewis may have voted the Democratic ticket. I don't know that any man who is black can be a Democrat; they don't make good Democrats.

Q. What makes a man a Democrat if voting a Democratic ticket his whole life doesn't?—A. If a man votes the whole, solid Democrat ticket all the time for sure he must be a Democrat. I never thought of it that way.

Q. Now, Lewis told you that he got one hundred witnesses from two houses?—A. No, sir; I didn't say that. Oh, yes; Lewis did.

Q. And he told you that he got about seventy-five from some other house?—A. He said he got about one hundred or so witnesses. He got them from Anderson's and Williams's.

Q. And he told you, as you testified a few moments ago, that he got seventy from some other house?—A. I don't remember saying that he got seventy. I said that he went around and got the names of colored men and gave them to Smith, who drilled them for the purpose of swearing in this 'test case.

Q. Did he tell you how he drilled them?—A. No, sir; he didn't tell me what they were told to say, only that they were talked to afterwards.

Q. Did he tell you where Smith drilled them?—A. He said at Mr. Smith's house.

Q. Where is that ?—A. I don't know, sir; it is on Carr or Biddle street, between Tenth and Eleventh streets. I have heard him
139 name Carr street two or three times, to my remembrance.

Q. When did he say that was done ?—A. I couldn't remember; some time about—it must have been a month or better.

Q. Some time in March ?—A. I can't say as to when it was; as near as I can get at it, it was a month ago or better; but I couldn't say exactly; I couldn't place any exact time—no exact time, because I did not take no notice of it; I don't know whether it was March or any other month; I didn't pay no attention to it; it was all unexpected to me.

Q. He told you that Mr. Frost had twenty days after that, and that the twenty days had not yet expired ?—A. That is what he said on Saturday.

Q. And that before Frost's twenty days Mr. Sessinghaus had twenty days ?—A. No, sir; he said that after Mr. Frost's twenty days Mr. Sessinghaus had ten days, and by that means he would have the best of it.

Q. But he told you that Mr. Sessinghaus had twenty days of it in the first instance ?—A. I don't remember how much he said he had in the first instance, but he said that Mr. Frost had twenty days now, and Mr. Sessinghaus had ten days after that.

Q. Did he tell you when Mr. Frost's testimony would be in—when his twenty days would expire ?—A. No, sir; he did not; he did not tell me; he just said twenty days; I never asked him any more
140 about it; I remember him saying it would end pretty soon.

Q. You know this man Lewis, well ?—A. No, sir; I know him when I see him; I never was acquainted with Lewis before Saturday.

Q. What is his business ?—A. I don't know, sir; he told me he was getting a school somewhere, and the cause of his going into politics was that he had been promised a school somewhere; he had to go into politics to get it.

Q. How did you happen to get this information out of Mr. Lewis, last Saturday ?—A. Just through talking; I got into a conversation and he told me.

Q. You asked him about it ?—A. No, sir; I did not.

Q. He volunteered the statement ?—A. That is the way it come up; the conversation come up about election matters—about Overstolz and Ewing; a man bet two to one that Overstolz would be elected. Then Lewis spoke up and said that it might be like the Sessinghaus and Frost case, that they would have a 'test case; and so it run on.

Q. Notwithstanding the fact that that was the first time you had seen Mr. Lewis to know him, notwithstanding the fact that you are a perfect stranger to him and never had met him before that day, he went to work and told to there all these matters of interest, which, if true, would send him to the penitentiary, and he knew it, and all of which is against
his testimony which he had given on this same stand, when he
141 swore upon his oath that there was not one word of truth in the

matter ?—A. I seen Lewis before that with some book going around, but I didn't know him by name as I did that day; I got acquainted with him there; I didn't know before then that he was working on this business; I seen him come around to the house there, but I didn't know him; I never had no introduction to him. I seen Lewis around the house asking men where they lived, and where this and that colored man lived; but still I never knew him until he got on the car coming to this place that I spoke of before.

Q. And that, then, was the first time you had ever seen him to know him—last Saturday?—A. That was the first time I saw him to know him by name; he was with a man that was peddling these here kind of notices.

Q. And being to them a perfect stranger he unbosomed himself thoroughly in this matter?—A. He knew me; I didn't know him; he knew me by reputation, but I didn't know him.

Q. He knew you by reputation to be a saloon-keeper?—A. No, sir; not to be a saloon-keeper, but running that saloon for Mr. Curtis; I don't own that saloon; I am keeping it for Mr. Curtis; I am in that man's employ to run that saloon.

Q. And knowing you to be a saloon-keeper, and never before that having spoken to you, except upon one occasion, and that so long ago that you had totally forgotten it, he went to work and detailed to you
142 a conversation which covered two or three hours?—A. Yes, sir; he talked with me two or three hours.

Q. About this matter?—A. Yes, sir.

Q. What time did your conversation with him on this matter last Saturday cease?—A. Two or half-past two, I suppose; about two it was, I think, because I was over to the court about half-past two.

Q. Where did you go from the four courts after that?—A. Came back over to the office of J. Milton Turner; I waited there for him; he come in there about four o'clock.

Q. Where was his office?—A. Opposite the four courts, north—on the north side, upstairs in the second story; it was a two-story building, up on the first floor.

Q. Then it was not in the four courts building?—A. No, sir.

Q. It is opposite there, in that row?—A. Yes, sir; not on the ground floor, you know, but up in the second story; it is right over there next to the tailor-shop; it is two doors from the saloon—or rather, three doors from the first saloon.

Q. How long did you wait there for him?—A. For Milton Turner? I waited there until about half past; I staid there until about half past four: he got there, I suppose, about a quarter to four, and he staid there until half past four or five o'clock; I went then with Pinkey
143 Anderson and another man; we all went down to Bessehl's on Fifth street, and got there at five o'clock.

Q. Where then did you go?—A. I then came back up town and staid around until night; then I went over to Eleventh street church.

Q. Where did you leave this man Lewis that day? Or when did he leave you?—A. I left Lewis at the office of J. Milton Turner.

Q. At what time?—A. About half past four, I believe; between four and five, I should think; anyway half past four; it was nearer five than four.

Q. You left him there?—A. Yes, sir.

Q. Have you seen him since?—A. Yes, sir; I seen him since; I think I seen him yesterday morning, if I aint mistaken, or some time yesterday.

Q. Did you tell him that you were coming on this stand and betray his confidence, and tell all that he had told you?—A. No, sir; I did not; I didn't tell him anything of the kind, because he told me he was coming here himself. I didn't know I was coming here, yesterday.

Q. When were you notified by Mr. Donovan to come here to testify in this case?—A. I was notified by Mr. Donovan to come here and testify, I think, last Friday.

Q. Had you seen Mr. Donovan before that time?—A. I think I had.

144 Q. At his office?—A. No, sir; not at his office.

Q. Where?—A. I seen Mr. Donovan—yes; I think, I did see him at his office to know him.

Q. And at that time Mr. Donovan—

WITNESS. (Interrupting.) It was up town last week.

Q. And at that time Mr. Donovan told you that he wanted you to see Lewis and get this information from him?—A. No, sir, he didn't; Mr. Donovan didn't tell me anything about Lewis, or anything of it at all.

Q. How long were you here, at that time, in Mr. Donovan's office?—A. Not a long time; when I came he was very busy. I suppose I was here five or ten minutes; I never saw him longer than ten minutes.

Q. Who brought you there to Mr. Donovan's office?—A. I brought myself there.

Q. Who did you come with?—A. I come with myself.

Q. Alone?—A. I did.

Q. Who sent you there?—A. I don't suppose that is a question for me to answer; I don't propose to give the man away who sent me.

Q. Who sent you there?—A. I was recommended there some way or another, I don't know exactly, I can't remember now who.

145 Q. But now after your counsel has said that you may answer—A. I said that I can't remember; I am satisfied that somebody sent me there; if I can't remember, I can't tell you.

Q. Why do you refuse to answer the question that I have asked you?—A. I told you I don't remember it.

Q. I will give you time now; just think of it?—A. I couldn't really remember the man's name that sent me. I was sent by some man that, I suppose, had something to do with the case. I was talking this in the upstairs of the court—not in the room—but outside in the hall-way.

Q. When?—A. That has been about two or three weeks ago.

Q. That was right after you had this conversation with these twelve men?—A. No, sir; I was just only talking about the court—about some parties there, and they caught me right up and brought me over here to see Mr. Donovan. They told me to go to see Mr. Donovan. I didn't know his name, and they told me his name. I didn't think of it long enough to find Mr. Donovan.

Q. But at the instance of a perfect stranger there, you came here to the contestee in this case for the purpose of being a witness in the case?

WITNESS. A perfect stranger!

COUNSEL. Yes.

WITNESS. Stranger in what way? This party that sent me!

COUNSEL. Yes.

146 A. He was there at the court; I don't know who the parties were; they was there during the time that I was talking about this case, and they told me I had better go and see Mr. Donovan about this case.

Q. And at the instance of that stranger you came here to see Mr. Donovan?—A. No, sir; I never came to see Mr. Donovan; I never was sent here at all. I gave these parties the number of my house, and Mr. Donovan sent them to me. Isn't that so, Mr. Donovan? I have forgot the name of the gentleman that came to see me.

Q. Then when you stated here a few moments ago that you came to the office of Mr. Donovan at the request of some party in the court—

house before you were subpoenaed, you were mistaken?—A. I was mistaken, yes, sir; I am satisfied that I know exactly how I got here.

Q. You are satisfied that you made a mistake, are you?—A. I am satisfied I know what is right and what is wrong. I told you as far as you asked me; I have told you the truth. You asked me how did I come here and you want to know the name of the man that sent me here; and I said I don't know his name. I know how I came here; I gave the number to these parties where I lived; they kept the name and the number, I suppose, and Mr. Donovan sent for me to this office. I can't think of the name of the man that spoke with me up at the courts.

Q. Who did you give the name to?—A. I gave the parties my name up in the court-house; they was in the crowd together; they came
147 to me and said I had better see Mr. Donovan; that that was information that they was after; that it was good information.

Q. And you gave them your name and where you lived?—A. Yes, sir.

Q. For the purpose of being subpoenaed?—A. Not for the purpose of being subpoenaed, only to satisfy them that I meant what I said, if they wanted me.

Q. Then you didn't come here until you were subpoenaed to see Mr. Donovan?—A. They sent for me.

Q. And at Mr. Donovan's beck and call you came?—A. They sent for me and I came here. I came here to see Mr. Donovan to-day.

Q. When did you come the first time?—A. Well, I couldn't really tell. I said it was along about last week, there was nobody there; that is to say, I have been here three times in about three weeks; the first time I come to see Mr. Donovan, I think, was last week, to-day is Wednesday; I think it was on the first of last week as near as I can remember.

Q. How long were you there then?—A. Not over ten minutes.

Q. How long were you there when you came to see him last Friday?
—A. I don't know that I had a chance to see him last Friday; I seen him but he was busy; I staid here but a short time.

148 Q. How long were you in the closet with him to-day?—A. I suppose seven or eight minutes, or ten minutes.

Q. And you were here this morning before, were you not?—A. I was not here this morning; I was here about two hours ago; I think that was about the time.

Q. So you then have had four different consultations with Mr. Donovan?—A. I was coming up here at Mr. Donovan's request as a witness.

Q. On four different occasions; now, how many other conversations have you had with Mr. Conroy about this case?—A. I don't know.

Q. That gentleman sitting right there, next to you?—A. I don't remember of having ever spoken to him in my life.

Q. How many more times than those four times have been in consultation with Mr. Donovan in regard to this case?—A. I didn't consult with Mr. Donovan, only the information I had got.

Q. How many times have you been consulting Mr. Donovan in this case?—A. Two or three times, or three or four times; I disremember. I can't keep account of that.

Q. Well, you came to see him before last Friday two times, did you not?—A. Yes, sir.

Q. You say you came here and went right away again?—A. Yes, sir.

Q. How many more times?—A. No more to my knowledge.

Q. And you got this information out of Lewis that you have

149 testified to at the instance and instigation of Mr. Donovan ?—
No, sir, I did not; I didn't get it from Mr. Donovan.

Q. What was your object and purpose in getting that information from Lewis ?—A. Because I wanted to find out everything myself to see what was going on.

Q. For the purpose of testifying in this case, was it not ?—A. sir; not so much for the purpose of testifying as for the purpose of finding out what it was. I had already got a lot of information, and thought very probably he would tell me some more; it was all right he didn't; I never asked him for it; he volunteered it himself.

Q. You took him down and treated him to the beer ?—A. Yes, he treated me and I treated him.

Q. How many glasses of beer did you have—beer or whisky or something stronger ?—A. A couple of glasses of beer apiece to my knowledge.

Q. What time in the day was this that you had this beer on Saturday ?—A. As near as I can remember it was between eleven and o'clock. I know it was eleven o'clock when I went there. There about six or seven men there and waiting in the house. I couldn't tell what time it was; there was no clock upstairs. I know I left place to go up to the four-court building about two o'clock.

Q. You have no interest in this case, have you ?—A. Not one cent.

Q. Mr. Donovan never intimated to you that you would
150 paid one cent ?—A. No, sir.

Q. And you are a Republican ?—A. Yes, sir.

Q. And notwithstanding all that, you have taken the trouble to come up four times to see Mr. Donovan, and furthermore devoted a good portion of your time on Saturday in this work of pumping Lewis, with the expectation of receiving one cent for all this labor. Notwithstanding all this, you say you have no interest in this case ?—A. I was voting my time on Saturday to some other purpose.

Q. Will you answer my question ? Have you any interest in this case, notwithstanding those five or six days of labor that you put in it ?—A. No, sir; I have no interest; I have not received one cent. I haven't been promised one cent by Mr. Donovan.

Q. You are a Republican ?—A. Yes, sir; you have asked me that three times now.

Q. And you are a colored man ?—A. Yes, sir; and you have asked me that twice.

Q. How many of these colored men—these twelve men—told you that they testified in the case from three to five times each ?—A. Well, I don't know those men's names.

Q. How many of them, I say; I didn't ask you for their names ?—Some four or five of them.

Q. And you don't remember now any of their names except
151 Mr. Haskell ?—A. That is the only one except McGee.

Q. Did he tell you that he had testified four or five times in the case ?—A. No, sir; he said he went up and got his six bits.

Q. Did he tell you that he had sworn to a lie on the stand ?—A. No, sir; he didn't; he told me he could go up and testify and get six bits. He didn't say that he swore to a lie.

Q. You mean McGee ?—A. Yes, sir.

Q. He is a man who you believe would lie for six bits ?—A. Yes, I will swear that he would lie for six bits. I know him.

Q. You now swear that he will lie for six bits ?—A. Yes, sir.

Q. Did you ever hear of him lying for six bits ?—A. No, sir; but he has been around a good deal. I know what kind of a man he is.

Q. You like him pretty well because he is a pretty clever party?—
A. I have nothing against him; he is a colored man.

Q. He is a friend of yours?—A. No, sir; but he is no enemy of mine.

Q. You are intimate with him?—A. No, sir; I have known him; I came up with him—up to the city of Saint Louis. He is a very low-classed man; he is one of the class that I don't like.

Q. And you now swear upon your oath that he will swear to
152 a lie for seventy-five cents?—A. I do; I swear upon my oath that he will swear to a lie for seventy-five cents.

Q. John Haskell is the same kind of a man, isn't he?—A. I never knowed nothing of John Haskell at all; I only know him as I said.

Q. His reputation is, that he will swear to a lie for seventy-five cents?
—A. That is more than I can say.

Q. Do you know anything about it, one way or the other?—A. I know he is a roustabout; I know him that way.

Q. What kind of a man is he?—A. He is a hard-working man.

Q. Is he an honest man, or a liar?—A. I don't know him well enough for that; I never saw him in trouble; I never knew him to be in trouble or to tell a lie.

Q. Then, as far as you know, John Haskell's reputation for truth is good?—A. Yes, sir.

Q. Notwithstanding the fact that he told you he had been on the stand personating four or five persons, and had sworn squarely to four or five different lies, or more?—A. He didn't say that he had sworn to any lies; he said he had sworn three times to get money.

Q. Did he tell you that he had gone on the stand under different names?—A. No, sir; he didn't tell me that; he said he went there
153 and swore and got money, two or three times.

Q. He said he went there as a witness two or three times?—
A. He said he got money two or three times; he said: "I am going up again this afternoon."

Q. Did he tell you what he swore to?—A. No, sir; he said he just swore that he couldn't vote for Sessinghaus; that is what he had to do, he said: "that is all you have to do."

Q. He didn't tell you that he had been on the witness stand under two or three names?—A. No, sir; he didn't say that he was put on any witness stand. He said they didn't put him on no witness stand.

Q. He said that?—A. Yes, sir.

Q. As a part of this conversation. Now, did McGee tell the same thing?—A. I don't remember McGee saying anything about that; he said he come up and got his six bits.

Q. What did McGee tell you?—A. Nothing, only told me he and seven or eight men come there and swore that they wasn't allowed to vote for Sessinghaus; and that they got six bits apiece for it.

Q. What for; did he tell you?—A. For the six bits; that is all I remember him telling me.

Q. Now, I wish you would tell me exactly what Haskell told you?—

A. I have told you what he told me. He said he had doubled
154 back on them two or three times, and got six bits; that he had got a quarter for bringing colored men up there. I think that he said they dropped on him, and he was not going there any more; I think that was what he said.

Q. Where is this man Haskell now?—A. He has gone away, three or four weeks.

Q. On the boat?—A. I don't know, sir; where he is.

Q. And McGee?—A. McGee is here now in the city; he drives a furniture wagon; I can send him up here to-morrow, if you want him.

Q. And that is all McGee told you?—A. That is all I remember.

Q. Now, what was the testimony of the other twelve men?—A. I can't really tell you; these men said they went up there, and got money to swear that they were not allowed to vote for Sessinghaus.

Q. Did those men tell you that they swore to a lie?—A. No, sir; they didn't tell that to me.

Q. Didn't each and every man of those twelve tell you that when they swore in this case that they swore to the truth?—A. No, sir; they didn't tell me one way or the other how they swore, except that they were not allowed to vote for Sessinghaus.

Q. And that is all they did swear to?—A. That is all they told me they had to do to get six bits. And that they were going back and get some more.

Q. Did both McGee and Haskell say that they had been back
155 two or three times to get some more?—A. I never heard them say that.

Q. Didn't Adams tell you that he had not testified in this case at all?—A. Yes, sir; he said he didn't vote here; he was on the river at the time of the election.

Q. Do you know whether John Adams steamboated or was here on election day?—A. I take his word for it.

Q. Do you know whether Haskell was here on election day?—A. Well, I don't know, sir; I couldn't say.

Q. Do you know whether McGee was here or not on election day?—A. I am satisfied that he was here on election day, because he stays in town; but these other two men that I spoke of are river men.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Thursday, April 7, 1881, then to be continued, at the same place, at the hour of eleven o'clock of the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 45.

Pursuant to adjournment as above stated, on the 7th day of April, 1881, at the hour of eleven o'clock in the forenoon, parties met, prepared to resume the depositions; but owing to absence of witnesses a recess was taken until this afternoon, at fifteen minutes past two o'clock, at which time a witness being in attendance, the depositions were thereupon resumed, and the following testimony elicited:

1 WILLIAM H. ELDER recalled:

By Mr. DONOVAN:

Question. Mr. Elder, I placed in your hands a number of names of parties in Republican wards who were fraudulently registered at the polls on election day; I now desire to ask what information you obtained in regard to their residence in the precincts and in the wards in which they claimed to live when they registered on election day. I will first ask you in regard to C. T. Weightman, 822 Madison street: Did he live at 822 Madison street on the day of the election? His precinct was seventy-two, if he had lived at 822 Madison street.

Mr. POLLARD. I object to the question, for the reason that the counsel for the contestee, with his usual degree of courtesy and unbounded capacity for making speeches, has injected into this question another stump-speech, and wants this witness now to say yes to the question which he propounds to him, wherein he alleges a number of individuals were fraudulent voters. There is no proof whatever about the subject, and this witness cannot say whether they were or not fraudulent voters.

By Mr. DONOVAN:

Q. Mr. C. T. Weightman—did he live at 822 Madison street on election day? Or what information did you obtain in regard to him?—

A. I ascertained that he left there last summer. I was particular in making these inquiries, and ascertained as near as possible the date the parties did leave; where they had gone to.

2 Q. In the same precinct—seventy-two—what did you ascertain in regard to W. Reichmann, 822 Madison street, who was registered from there on election day?—A. I was informed that he was not known there.

Q. Do you recollect now who gave you that information?—A. No, sir; I cannot; it was somebody in that house.

Q. But you were in search of accurate information on the subject?—A. I was trying to ascertain if these parties lived there, and where they had gone, if I did not find them there; and the information I received about him was that he was not known there at all by anybody in that neighborhood.

Q. What did you ascertain in regard to Peter Merkel, 916 Madison street?—A. I ascertained that he had been living there about four months.

Q. He was there in precinct seventy-two?—A. Yes, sir; 916 Madison street.

Mr. POLLARD. I want to ask the witness a question. (To the witness.) I see you are reading all these answers from some documents which you have in front of you. Who made those documents?—A. I

made the documents. I don't know who made the envelope, or who directed them. I am reading from them the information that I received from those parties at the time, which is made on them in writing, and made at the very time of my inquiries.

3 Q. But in answering the questions which have been put to you by Mr. Donovan, you have been reading your information from those pieces of paper?—A. Yes, sir; I did in some instances. I can't remember where all these envelopes are directed to; I can locate the place and the information, and sometimes remember from whom I got the information by examining the envelope.

Q. You wrote this memoranda which you have here in this office?—A. No, sir; I wrote them at the places where I went to get the information.

Q. Are those memoranda made in ink or pencil?—A. In pencil, sir.

Q. In every instance?—A. Yes, sir; in every instance, right straight through.

Mr. POLLARD. I object to the witness reading his answers from any document whatever.

WITNESS. I certainly don't remember all these parties, and my only way of remembering them was by referring to the memoranda made at the time of the inquiry.

By Mr. DONOVAN:

Q. You made those memoranda at the time of obtaining the information?—A. That I have already stated repeatedly.

Q. Now, Frederick William Gebeke, 822 Madison street, seems to have been fraudulently registered on election day; what information did you obtain in regard to him?

4 Mr. POLLARD. I object to the question for the reason that the counsel for the contestee makes a statement that is not true, and makes it for the purpose of endeavoring to get the witness to swear to a statement which is not a fact.

By Mr. DONOVAN:

Q. What is your written memorandum made some time ago in regard to Mr. Gebeke, on information that you obtained on visiting what was presumably his place of residence, and from which you are reading?—A. My information is that 822 Madison street is a boarding-house, and that Mr. Gebeke was not known there. I inquired for the proprietor of that boarding-house, and saw a lady; she told me she was keeping it; I asked her about this party, and she didn't know him—didn't remember him. I then said to her, that may be some of her family might remember him, so she called a son of hers; I showed him the address and asked him if he knew the party, and he said he did not; then I made my memorandum that the party was not known there.

Q. Another fraudulently registered voter from precinct 72, whose name was given in as John B. Davis, was said to have resided at 2002 North Tenth street; what information did you obtain in regard to him?

5 Mr. POLLARD. I object to the question for the reason that the counsel for the contestee prefaces the question with an allegation that is absolutely untrue; that he endeavors to substantiate every allegation by the witness who is brought on this stand for the express purpose of building up these allegations which he well knows are not the facts.

A. I saw a man sitting in front of 2002 North Tenth street, and I asked him if he knew John B. Davis, and if he lived there. He said that John B. Davis was not there now; that he had been there, but

moved away about two years ago, and that he was a good Republican voter.

By Mr. DONOVAN :

Q. In precinct 85 the following name appears: John Dieterich, 3715 Broadway, as having registered from that place on election day, in this Republican ward; what is your information in regard to it?—A. I find a George Dieterich living at that number; I asked him if he knew John Dieterich; he said that he did, that John Dieterich was his brother, and that he had been living, and still lives on the northeast corner of Benton street near Broadway, for the past nineteen years.

Q. In the same precinct, 85, in this Republican ward, is the name of James J. Wild, registered from 3929 Broadway; what was your information in regard to him?—A. I was informed that he had lived there, but that he had moved from that place about six months ago; I inquired particularly about this party from the one that gave me the information, who said that he had moved about six months; thinking that that might be a mistake, I asked if they were positive that
6 he had moved that length of time, and whether he had moved before the election; then I was informed that he had moved before the election.

Q. In this same Republican ward, and in this same precinct, 85, a man by the name of Charles Everens, 3234 Broadway, appears to have been specially registered at the polls; what did you ascertain in regard to him?—A. He was not known there.

Q. In the same precinct, 85, George W. Monroe, 4036 Broadway appears to have been specially registered; what did you ascertain in regard to him?—A. That is a boarding-house; I saw the proprietor and asked him about this party, and he told me that he had been eating there for about a year, but didn't sleep there.

Q. What about Charles Webbs of 4036 same street?—A. The proprietor told me that he didn't know him.

Q. Now, what did you find out in regard to Michael Tehean, 4016 Broadway?—A. I saw a lady that has been living there since October, 1890, and from her I ascertained that he was not known there.

Q. What is your information in regard to George B. Randall, 4019 Broadway; what did you ascertain; he was also registered in this Republican ward on that day at the polls?—A. I ascertained that he had left there before the election.

Q. What did you ascertain in regard to William Hood, precinct 85, who was registered from 3918 Broadway?—A. I inquired and found that he was not known in that neighborhood

7 Q. That is as far as your information went?—A. Yes, sir; I inquired, it seems to me, at three or four different houses about him; the reason I made so many inquiries was I found that parties had not been living there only a few months; and then I tried to find parties who had been living there a longer time and who would probably know. From the best information I could get he was not known there.

Q. Well, in that same precinct, 85, there was fraudulently registered on election day, a man by the name of Martin Shanetown, 3900 Broadway; what was your information in regard to him?

Mr. POLLARD. I object to that question for the reasons, first, that it is prefaced by a statement that this man was a fraudulently registered voter from this number; second, I make the further objection because the statement of the counsel for the contestee is that this man was registered, when in fact he was never registered, and third, to the

further statement that it was a Republican ward when it was a Democratic ward.

A. I ascertained that he was not known there.

By Mr. DONOVAN:

Q. In precinct 118, in a Republican ward, there was registered a man by the name of Courtis Knappsteadt, 111 North Thirteenth street; what did you ascertain in regard to him?—A. I find that he is not known there.

Q. Another gentleman from the same Republican ward and precinct was fraudulently registered under the name of Ben. Wolf, 1208 Wash street; what did you ascertain in regard to him?

8 Mr. POLLARD. I object to that question, because of the voluntary assumption that this man was fraudulently registered when the proof is that he was not registered at all; and the gentleman well knows it.

Mr. DONOVAN. If the name of Ben Wolf has been in controversy heretofore in this case, I will give the counsel for the contestant a new hat.

A. I found, living at that number, C. H. Wheeler, a colored man, and I was informed that Mr. Woolf had not lived there, and was not known there.

Q. It was a negro, was it?—A. The present occupant of that house is; yes, sir.

Q. From another Republican precinct, 119, a man specially registered on election day as living at 1022 East Sixteenth street, by the name of Theodore Henerman; what did you ascertain in regard to him?—A. He was not known there.

Q. What did you ascertain in regard to the special registration of Howard McCullough from the same precinct, 119, said to have resided at 1020 East Sixteenth street?—A. That gentleman was not known there.

Q. You tried to obtain accurate information in regard to all these parties?—A. I did, sir; I tried to find out as well as I could. I did not know anything about the politics of these parties; and I had no object in ascertaining anything but the truth.

9 Q. What information did you obtain in regard to Louis Zoellman, 1123 North Fifteenth street, who was also registered on election day in precinct 119?—A. There is no such number as 1123 North Fifteenth street, but I inquired in the neighborhood there for this party, and found that he was not known there.

Q. Could you find anything at all about him anywhere in that neighborhood?—A. No, sir.

Q. You tried to find the gentleman?—A. I did; I made diligent inquiries after him.

Q. And if he was to be found there you wanted to find him?—A. Yes, sir.

Q. No matter whether he lived at that house or in that neighborhood?—A. It didn't matter whether he lived at that house or the next door, or across the street; when I couldn't find the parties at the houses to which I was directed I inquired at the nearest grocery store; sometimes I inquired next door to the address.

Q. What did you find out in regard to L. Ahe, 1005 North Fifteenth street?—A. I found out that that party is not known there; there is a Mr. Humphrey Shea there, and he has been living there for the past year.

Q. In precinct 133 there appears to have been the fraudulent registration of James Jones, from 1113 Cass avenue; what did you ascertain in regard to him?

10 Mr. POLLARD. I again object to this question, because of the false allegation that there was a fraudulent registration of Mr. Jones, because the record of the counsel for the contestee is made up of just such assertions as this, without any proof to support them.

By Mr. DONOVAN:

Q. What did you ascertain in regard to the fraudulent registration of Mr. Jones?

Mr. POLLARD. I object to that question again, for the reason that there is no attempt after making the allegation to prove any portion of the statement contained therein, unless the counsel for the contestee can inveigle the witness into answering yes and assenting to the propositions.

Mr. DONOVAN. The witness is not to be inveigled into answering anything, except in regard to the truthful information which he has elicited, and which he placed in writing at the time he made his investigation; he testifies to nothing else.

A. I went to 1113 Cass avenue, and found some kind of a shop there on the ground floor; there was a white man there, and I asked him about this party, if he knew James Jones; he said that he probably lived upstairs; that there was a number of colored families living upstairs; so I went upstairs and made some inquiries, and was directed from one room to another, until finally I found one woman who told me that a party by the name of Jones—Dan Jones—had lived there last
11 winter, but that he was now living on the east side of Eleventh street, between Franklin avenue and Wash street. I asked particularly if he had any brother or son by the name of James. I was informed that he had no sons, and they didn't know of any James Jones; Dan Jones was the only man they knew of.

Q. Well, in the same precinct, 133, in this Republican ward, there appears to have been a false registration of Charles Edward Putor, 1515 Cass avenue; what information did you elicit in regard to this man?

Mr. POLLARD. I object to that question again, for the reason that the counsel for the contestee assumes that which has not been proven and which is not a fact, and for the further reason that because the counsel for the contestant proved some seven or eight hundred names registered from two or three different places and voting for Mr. Frost, the contestee in this case, the counsel for the contestee is now making a bare assertion which is not founded in any fact or facts whatever, except in the imagination of the contestee's counsel, that the contestant was likewise benefited by fraudulent votes, when the facts, as they have been proven in this record, are that these revisers who struck off these names from these registration lists, and who investigated, and who had the whole machinery of the city and the revision of votes in their hands, were Democrats, and that they employed Democratic ward-bummers for the purpose of striking off, not only every
12 Republican who they thought would submit to the indignity, but suffered to remain on the lists every Democrat who they were satisfied would vote more than once for contestee herein.

Mr. DONOVAN. This is so amusing that we can afford to let it pass. (To the witness.) Now, please answer the question!

A. The party was not known there. I refer to Charles Edward Puttor; in regard to him, I was informed that he was not known there.

Q. What did you ascertain in regard to A. C. Hain, 1603 Cass avenue, precinct 133, in this same Republican ward?—A. I was informed by the party who keeps the boarding-house, which is that number, that Mr. A. C. Hain has been boarding there about two months—the past two months.

Q. In the same precinct, 133, what did you ascertain in regard to the fraudulent registration of William J. Bake, 1703 Cass avenue?

Mr. POLLARD. I object to that question, for the reason that the counsel for the contestee well knows, and this record has unequivocally proven the fact that there was no possible chance at this last November election for any fraud to be perpetrated on the part of the contestant or any Republican herein, because not only were all the revisers who had the machinery of the revision of voters in their hands Democrats, but the appointment of all the judges and clerks of election was in the hands of a Democratic mayor, who has subsequently been renominated for the office of mayor by the Democratic party, and because of his outrageous partisan feeling and action and management of the ma-

13 chinery of the city, has been repudiated by all respectable Democrats.

Mr. DONOVAN. If the counsel for the contestant has any more amusing stories to tell us, he will please to do so now, because it will facilitate the examination if he will close them up now.

Mr. POLLARD. The counsel for the contestant tells no amusing stories; he relates what are the facts, and simply states some of the evidence which may be found in this record.

Mr. DONOVAN. If the counsel for the contestant is now through with his volubility we will then ask you, Mr. Witness, what you ascertained in regard to Mr. Bake?

A. I found that place, 1703 Cass avenue, a planing-mill.

Q. What did you ascertain in regard to William Quenlein, 1515 North Sixteenth street, who appears to have been fraudulently registered in this Republican precinct, No. 133?

Mr. POLLARD. I object to the question for the reason that it is prefaced by a statement which the counsel for the contestee well knows to be false; and for the further reason that this precinct, and the two or three heretofore testified concerning by this witness, are not only not Republican but are among the strongest Democratic precincts in this city; and for the further reason that the record shows in this case that the polls at the precincts concerning which this testimony has been given, were controlled by Democrats inside and by a Democratic mob outside, and that every man that was fraudulently registered

14 there that day was so registered in the interests of the contestee.

Mr. DONOVAN. The statement of the counsel for the contestant in regard to this being a Democratic poll would be exceedingly interesting to the contestee if such were a fact, but it is utterly Republican, as the Globe-Democrat and the official record will show, and this statement is on a par with the balance of the statements which the gentleman has been making entirely through this examination. Now, we will ask the witness what his information is in regard to this last gentleman about whom we are inquiring?

Mr. POLLARD. I object to that question, because of the statement embodied therein; the record shows by proof which is not only undisputed but which is indisputable, that this precinct is a strong Democratic precinct; the fact undoubtedly is that on that day—day before

yesterday—that identical precinct did poll more votes for the Republican candidate for mayor than they did this same identical candidate on the Democratic ticket who was mayor last fall, and through whose machinations these frauds were perpetrated, and this precinct, like many others in that section of the city at this last election, went Republican, simply because the respectable element of the Democratic party would no longer sanction the frauds perpetrated by their partisans on the preceding election day.

Mr. DONOVAN. As I have long ago relinquished my fish-woman talk in answering these various ridiculous objections; I will ask the witness to proceed with this testimony.

15 A. I found that party was not known.

Q. In another strong Republican precinct, No. 141, Henry Bahe, 1106 North Seventeenth street, appears to have been fraudulently registered; what did you ascertain in regard to him?

Mr. POLLARD. I object to the question, because it is prefaced with a statement the whole object of which is to induce this witness, who is the contestee's witness and not ours, to swear to matters and facts which are not facts; and because the statement itself contains matters which are false, and which are or ought to be known to the contestee and his counsel to be false.

By Mr. DONOVAN:

Q. Are you swearing to what is false or what is true, Mr. Elder?—

A. I am swearing to such information as I could obtain about these parties.

Q. Is that false or true, so far as you are concerned?—A. So far as I am concerned my information, as ascertained, was true.

Q. What did you ascertain in regard to Henry Ruhe, who was fraudulently registered in precinct 141, from 1106 North Seventeenth street—a strong Republican precinct?

Mr. POLLARD. I object to the question, for the multiplied allegations in it, which are untrue, and which are known to the counsel for the contestee to be untrue; this precinct is not only not a Republican

16 precinct but it is a strong Democratic precinct; and this man Ruhe, according to this record, was not only not fraudulently registered, but not registered at all from that number, or in that precinct.

Mr. DONOVAN. Inasmuch as this name comes from the special registration sheets, it shows what worth is to be given to the gentleman's statement, not only in this respect but in all respects, entirely throughout this record. (To the witness.) Now, please, give us the information you have concerning that man at 1106 North Seventeenth street.

Mr. POLLARD. I object to that statement, because this name does not come from the official registration list, and the gentleman well knows it; it simply comes from his fervent imagination.

A. I ascertained that the party was not known there.

By Mr. DONOVAN:

Q. What did you ascertain in regard to John Hellen, 1006 North Seventeenth street, who appears to have registered at the polls on election day from that place?—A. I ascertained that he was not known there.

Q. In this strong Republican precinct, one John Ludwig appears to have been registered from 1626 North Fourteenth street; what did you ascertain in regard to him?—A. I saw the landlady there—the owner of that property—and of her I inquired for John Ludwig; if he had ever

lived there, or if she knew him; she said she didn't know him, as he had never lived in her premises.

Q. Another conscientious gentleman, named Peter Klein, in the precinct, 141, appears to have been registered at the
17 from 1626 North Fourteenth street; what did you ascertain in regard to him?—A. He was not known there either.

Q. You were seeking for accurate information in regard to all men?—A. Yes, sir; I was doing my best to find out whether the at these places or not. I inquired from such parties as ought to where I couldn't find the parties themselves, I inquired of those at the house, or the proprietors of the places. A good many of houses are something on the tenement order.

Q. And in every case you sought to make your information correct?—A. Yes, sir; I did, as far as I could.

Q. If you are mistaken it is not your fault?—A. No; it is my fault if my information is not accurate; it is such as was given have no means of knowing, except by inquiry.

Q. In another strong Republican precinct, 143, there appears to have been fraudulently registered one August Roling, 1415 Madison street; what did you ascertain in regard to him?

Mr. POLLARD. I object to that question, because it does not appear to be the name of a person, nor does it appear anywhere, even in the gentleman's imagination, which he has apparently been putting up to the standard of these various inquiries, to the effect that the man was fraudulently registered from that precinct, or that the precinct was a Republican precinct. I presume, from the
18 of questions propounded here, that the contestee's counsel have slept with Milton's Paradise Lost as well as Milton's Paradise gained, and imbibed in that manner a most vivid and skyey imagination.

Mr. DONOVAN. If the gentleman thinks that I propose to waste time in answering him he is mistaken.

A. I find that that party was not known at that place.

Q. In the same Republican precinct, No. 143, Henry Markoke to have been registered from 1513 Madison street; what did you ascertain?—A. I found that there was a party with a similar name to the way I have it spelled on my memorandum is Marske.

Q. Well, it matters not, Mr. Elder, how the man spelt his name; we are not seeking to throw out a man's vote because of typographical or clerical errors; did any man, by any similar name, reside at a place at any time about the election?—A. I found that there was a party by the name which I have mentioned that boarded there six months ago.

Q. And moved away from there prior to the election?—A. Yes, this inquiry was made about the middle of March, 1881.

Q. Well, in precinct 145 there appears to have been fraudulently registered one H. W. Wobbe, 1519 Warren street; what did you ascertain in regard to him?—A. I ascertained that that party was known.

Q. What did you ascertain in regard to Josiah Wilson, in precinct 151, on North Market street, between West Twentieth and Jefferson avenue?—A. I inquired at three different houses in that neighborhood for him; one of these places was a grocery where the proprietor had been living some twelve years; and that I inquired of knew him—this man Wilson; he was not known in that neighborhood so far as I could learn.

Q. If it was anywhere in that neighborhood you endeavored to search it out?—A. I did.

Q. It didn't matter whether he lived in this house or the adjoining house?—A. No, there was no particular house—that is to say, I made my inquiries all around the premises, in every direction.

Q. And you endeavored to find the man?—A. I did, sir.

Q. You were not particular about the number, so you could find the man?—A. I was trying to find the party—trying to locate him.

Q. In this same Republican precinct, No. 151, there was registered on election day, from 1936 Benton street, one Ernst Echloman; what did you ascertain in regard to him?—A. I ascertained that he was not known there.

Q. Did you endeavor to find him?—A. I did.

Q. Whether he lived at that house or at any house in that vicinity?

—A. I did; my recollection is that that is a grocery store; I inquired for him in there; also went in the premises, back in the yard among the people, living upstairs and down-stairs, and they didn't know him.

Q. On this same special registration, in that Republican precinct, one Alber Rinwood appears to have been registered from North Market street, between West Twentieth street and Jefferson avenue; what did you ascertain in regard to him?—A. I ascertained that that party was not known in that neighborhood. I saw people who had been living in that neighborhood for the past twelve years, and they had never heard of him.

Q. In another Republican precinct, 181, a man appears to have registered on election day, from 1819 North Market street, by the name of Phil. Lemarx; what information did you obtain in regard to him; I don't care whether he is a Democrat or a Republican?—A. I inquired at that number and saw a lady who has been living there, as she tells me, for the past fifteen years; she says nobody has been living there but herself and husband, Mr. and Mrs. Albert; she didn't know of any party by the name of Philip Lemarx.

Q. And that is the best information that you could elicit?—A. I handed her this envelope, and asked her if she knew any such name or any name similar to that; and she said she did not know it.

Q. Now, in the majority of these cases you didn't elicit the politics of these parties?—A. No, sir; I could not, from the fact that the parties were not to be found there, and consequently I couldn't ascertain anything about their politics, even if I had had a desire to know that.

Q. But you were seeking for the most accurate information that you could obtain in regard to these names?—A. Yes, sir; I was seeking all the information I could ascertain about these parties; and where I found that the parties were not living in the house, or where I found that the people in the house had not lived there but a short time, I took the trouble to inquire at other places in that neighborhood where parties had probably been living some time previous to those parties who are now living in the houses, and they would probably be able to give me the better information about them.

Q. What means did you employ to elicit this information? Did you make around certain circulars in regard to real-estate matters?—A. I did.

Q. And there was no abuse of the postal service made in this case?—A. No, sir; none at all; I was not employed by the post-office department.

Q. And you took these names on the backs of envelopes, and by means endeavored to open a conversation with these parties for purpose of eliciting accurate information in regard to these names?
A. I did, sir.

Q. And you never were employed in the postal service, were you?—A. No, sir.

Q. And any pay that you get for your services in this matter you get from the contestee in this case?—A. Yes, sir.

Q. The envelopes that you had were not stamped?—A. They were not.

Q. And when you are paid you will be paid by the contestee?

Mr. POLLARD. I object to that question as leading.

By Mr. DONOVAN:

Q. Will you or will you not?—A. My pay that I expect to get this work was from the attorneys for the contestee.

Cross-examination by Mr. POLLARD:

Q. When you went into this canvass you knew what you did it for?—A. I didn't know what these envelopes were given to me for; that any further than that I was to ascertain about these parties, where they were living at the places designated there.

Q. You knew that you did it for the purpose of being a witness in this case?—A. I presumed that I would be a witness.

Q. And you knew that it was evidence that was to be gotten up for the purpose of bolstering up the case of the contestee?—A. No, sir; I can't say that I did.

Q. You know that it was expected of you that these people whom you were inquiring about were all Republicans?—A. No, sir; I did not.

Q. As a matter of fact, do you know what their politics are?—A. I do not, sir, except in some few instances, as I have mentioned them. One I recollect of was this Mr. Davis—John B. Davis, whose father saw, who informed me that his son was a good Republican.

Q. Well, isn't it a fact that in all instances where you found that man did not reside where the number on the envelope which you had said he resided, was a Democrat, you made no further inquiry about him?—A. No, sir; it is not a fact; I inquired for the parties; I did inquire whether they were Democrats or Republicans.

Q. Notwithstanding the fact that you were employed here to make testimony in this case to bolster up this case for Mr. Frost, the contestee, you went out, and were so wholly and utterly regardless of the object of your employment that you ascertained facts which, in your judgment, are such as would not be likely to help the contestee?—Yes, sir; I went to ascertain the truth, whether it benefited one side or the other.

Q. I want to know what the object of such an investigation was?
A. That, I presume, was known to the gentleman who gave me the people to look after—these envelopes to look after; I didn't know the object.

Q. You didn't know anything about it?—A. No, sir.

Q. Notwithstanding you had been on this stand and testified that you had been in their employ for the past month, and when you were on the stand before you testified that you well knew the object of that canvass, but now you don't know the object of that canvass?—I don't think I ever made the remark that I knew all about the object of this canvass; when I was on the stand before I said that I was

working for this contestee; I went out simply to ascertain the facts, and I did so to the best of my ability.

Q. Knowing at that time that you were to be used as a witness, and that the information that you were gathering up was to be used as evidence on the part of the contestee?—A. I did not know that I was to be a witness until some time after I was employed.

Q. Because you didn't know whether you would elicit any information that would be satisfactory to them?—A. I didn't know anything about them; I was given certain work to do, and I did it.

Q. Will you please let me know what you were doing that for?—A. I knew that I was doing that on my own account.

Q. Why?—A. It was to be employed; to be earning some money.

Q. And you didn't know and had no intimation of the object of your work?—A. I did not when starting out on it.

Q. How long after you started out before you found it out?

WITNESS. Before I found out what?

COUNSEL. The object of your work.

A. It was some time after I had been engaged at that work that I was informed that I would be a witness; when I started out I did not know that I was to be a witness in this case.

Q. When Mr. Donovan employed you he told you, did he not, that he employed you on behalf of Mr. Frost, the contestee in this case?—A. I don't think he mentioned that.

Q. You didn't know he was attorney of Mr. Frost?—A. I did.

Q. And you knew that he was devoting his time almost exclusively to building up the evidence for the contestee in this case, did you not?—

A. Well, I really presumed that Mr. Donovan was doing all he could for Mr. Frost in the case.

Q. And you knew it at the time?—A. I didn't suppose he would be his attorney unless he did.

Q. When were you employed in the first instance by Mr. Donovan?

—A. I was employed, I think, on the ninth day of March.

Q. That is the first time?—A. Yes, sir.

Q. You are the same gentleman who testified in this case heretofore, are you not?—A. Yes, sir; I testified on the last day of March.

Q. I wish you would tell me whether or not you know that to be the signature of E. B. Mantz, and his handwriting?

(Counsel for the contestant hands document to the witness.)

A. That seems to be the same—the signature of Mr. Mantz.

Q. And his handwriting?—A. Yes, sir.

Q. You have just read this letter?—A. I have.

Q. Are the allegations in that letter concerning your making a note to Mr. Mantz, and the other transactions in there, true or false?—A. The allegation that I made him a note; one note is not quite correct; I didn't make any note for the amount specified there; I think Mr. Mantz obtained the note that he did get, or those notes, as I meant to say a moment ago—without any just cause, or without any right to them.

Q. You gave him those notes?—A. I did.

Q. This letter is dated, Chicago, April 2, '81, and addressed to Lyne & Metcalfe, jr., esq., Saint Louis, Missouri, and states—

Mr. DONOVAN. I want that letter to go into this record as a full exhibit to show the petty, contemptible spirit of the contestant in this case, in endeavoring to destroy the witness by raising objections in regard to business difficulties with outside parties

who are not witnesses here, and are not accessible to the order of the officer of this court; business difficulties which in no way, shape, or manner impeach the integrity of this witness, but sets at large simply the opinions of the contemptible cur that signs the letter. Now, please insert the letter in full in the record, and by so doing not only oblige myself, but the witness on the stand.

Mr. POLLARD. Then we will undoubtedly oblige you. Now, to go back; we say that the writer of this letter is an eminent business man of Chicago, and the letter is headed as follows:

[E. B. Mautz, wholesale cotton and woolen goods, No. 23 Washington street, near Wabash avenue.]

CHICAGO, April 2d, 1881.

LYNE S. METCALFE, Jr., Esq.,
Saint Louis, Mo.

DEAR SIR: Yours to hand. Some years ago I started Mr. Elder in business in Saint Louis; from reports from him, I thought we were doing well; suddenly I went to Saint L., to find that Elder was no attending to his business, and fully deceived me. I broke up the business and now hold Mr. Elder's notes for four hundred to five hundred dollars, or may be more. I consider him unreliable in every respect and not worthy the confidence of any man not for ten minutes. Any thing further I am willing to give you.

28 Yours truly,

E. B. MANTZ.

Q. When did you commence this investigation, Mr. Elder, which you have testified about?

Mr. DONOVAN. I desire to know why that letter was introduced here. Mr. POLLARD. It is introduced at the earnest solicitation of the counsel of the contestee.

Mr. DONOVAN. Then I object to putting such trash on the record.

Mr. POLLARD. To please the counsel for the contestee, and at his earnest request and solicitation, we will drop the subject right here. Now, Mr. Elder, after you have finished your protracted interview with the attorney for the contestee in this case, and received such instructions as he desired to give you, we will proceed with the further examination.

Mr. DONOVAN. Inasmuch as the counsel for the contestee has no given the witness any instructions whatever, and this is another piece of the usual twaddle that is indulged in, why, the witness may answer any such interrogatory as you may desire to propound to him.

By Mr. POLLARD:

Q. When did you commence the work of investigating the list of names which was handed to you to ascertain whether or not
29 the parties were residing at the places set opposite their names, and concerning which you have testified to-day?—A. I didn't have any list of parties to make inquiries about; I had envelopes with their addresses on them.

Q. How many of those envelopes did you have?—A. I don't know, sir; I didn't count them.

Q. Two or three thousand?—A. No, I don't think there was any such number.

Q. Well, about how many?—A. Well, possibly, may be two or three hundred.

Q. When did you commence that work?—A. Well, that particular work I don't know what date I did commence it.

Q. In about what month?—A. In the month of March, 1881.

Q. About what portion of the month of March?—A. I think I got through with it about the twenty-fifth. I commenced, I think, may be somewhere about the twentieth.

Q. And you finished it—when?—A. I think I finished about the twenty-fifth.

Q. Did you finish it before you commenced your canvass about which you testified the other day?—A. I commenced this work after I had finished the work in regard to which I testified some days ago.

Q. When did you commence that work about which you testified the other day?—A. I commenced, I think, on the ninth of March.

30 Q. When did you finish that?—A. Well, I don't remember.

Q. About when?—A. Well, I think, probably, about the nineteenth or twentieth.

Q. Then you commenced this work at once?—A. I think I did.

Q. And finished this about the twenty-fifth?—A. I think so.

Q. And you had, according to the best of your present recollection, between two and three hundred of those envelopes?—A. Yes, sir.

Q. Who wrote the names on those envelopes, and the addresses?—A. I don't know.

Q. They were on there when they were handed to you?—A. Yes, sir.

Q. Were you told when they were handed to you, that they were the names and addresses of men who had registered on the election day?—A. I was not.

Q. What were you told they were?—A. I was handed these envelopes and asked to ascertain what I could about these parties; whether they were living at the places designated, and to try and get all the information I could get about them; all the truthful information I could get.

31 Q. From whom did you learn that the Mr. Weightman that lived at 822 Madison street left last summer?—A. I can't remember, sir, from whom I ascertained that information.

Q. In giving your testimony as to Mr. Weightman, and all these other individuals whom you testified about, have you given all the data and all the information which you have about each and every instance?—A. I have as far as I was asked about them.

Q. I mean all those you have testified about; you have been testified about some thirty-six; and about those thirty-six you have given all the information which you have, have you?—A. I have given all the information that I could ascertain about them.

Q. All right. Now, did you inquire at 822 for Reichman or Mr. Rechman?—A. I inquired for the party whose name was on the envelope.

Q. Did you inquire for Mr. Reichman or Mr. Rechman?—A. I don't know how I pronounced it, whether Reichman or Rechman; in most instances where I inquired I asked the party whom I saw there if they knew such a party, handing them the envelope—if they had lived there any time.

Q. Without knowing whether that party whom you asked could read the English language, and without knowing whether they could read the German language?—A. I could generally ascertain whether they

understood English or not from their conversation with me. And where I found that they could not understand English I generally went somewhere else, and showed the envelopes to those who could understand them.

32 Q. Did you ascertain in each instance whether the parties whom you conversed with could read the names and addresses on the envelopes properly?—A. I don't know whether I could ascertain that or not—as to the writing on the envelopes; in most of the cases they read the names off the envelope.

Q. And you don't know whether you inquired for Reichman or Reckman?—A. No, sir; I can't remember now which it was.

Q. And you ascertained that a man by the name of Peter Merkel had been living at 916 Madison street for four months?—A. Yes, sir.

Q. And did you have any further information about him?—A. No, sir; that is all my memorandum says.

Q. From whom did you get that information?—A. I can't remember, sir.

Q. You don't know anything about him personally?—A. No, sir.

Q. You did not know personally a man of these thirty-six that you had on your memorandums and about whom you have testified this afternoon?—A. I don't know any of these parties personally; no, sir.

Q. And are not familiarly enough acquainted in that part of the city, are you?—A. No, sir.

Q. Do you know whether one of these parties registered on election day?—A. I do not, sir. I do not know whether they registered or not.

Q. Do you know what the politics of Peter Merkel are?—A. I do not.

Q. Don't you know that it is a fact that he is a well-known Democratic politician in that portion of the city?—A. No, sir; I don't know anything of the kind.

Q. Did you inquire for a man named Gherke, at 822 Madison street?—A. No, sir; I inquired for a man named Gebeke—Frederick William Gebeke.

Q. And you made no inquiry for Gherke?—A. No, sir; I didn't have any cause to inquire for any such party.

Q. And you didn't know but Mr. Donovan had purposely misled you about that name?

Mr. DONOVAN. I object to this trick of a country lawyer in this regard; the name is spelt G-e-b-e-k-e, and not G-h-e-r-k-e; and this witness was sent out to ascertain what he could about the name as it appears upon the official, special registration sheet; the name appears on that envelope just as it was written there on the registration sheet, and not otherwise; but if it was Gherke, Gebeke, or any name similar, this witness was instructed to be particular and bring in his information in regard to it.

34 Mr. POLLARD. I am obliged to the counsel for the contestee for calling me a country lawyer; I am free to say that I am not up to the tricks, and quirks, and quillips, as practiced by the gentlemen residing in this city, whether at the four courts, or at the police courts, or at any other different kinds of courts. I am free to say that I was trained up to the practice of law in an honorable and respectable way; and I am obliged to the gentleman for placing that much credit to my name. As to whether these names were copied from the registration list we will have to rely upon the aforesaid vivid imagination of the said counsel; but even if they were so copied, the record dis-

is the fact that they were copied by a tyro, or by some one who purely misspelt and misdirected the envelope.

Did you inquire for James Davis, 2002 North Tenth street?—A. sir; I did not.

And you don't know whether he resided there or not?—A. I inquired for John B. Davis, 2002 North Tenth street.

What did he tell you his name was?—A. The gentleman of whom inquired, and to whom I showed this envelope, told me that John B. Davis was his son.

What did this man tell you his name was?—A. He didn't tell me his name was; I was not inquiring for any James; I had no cause to inquire for him.

Why did you not do so, when the special registration list shows there was but one man registered from 2002 North Tenth street, his name was James Davis?

Mr. DONOVAN. I object to that question for the reason that that is just a copy of the official registration sheet itself, and that is John B. Davis.

Mr. POLLARD. The fact is, and I assert it now, that we have the registration sheet here, and the only name from that place is James Davis.

Mr. DONOVAN. To convince the committee of this fact I will place Charles G. Gontor on the stand before this controversy is through, he is the proper party appointed by the city to have these books charge, and I will show this name to be John B. Davis, in plain letters.

Mr. POLLARD. I challenge the gentleman to produce the books; he knows well that he has not got them; he knows very well that when he gets them he will find this name to be James Davis, and that these books have more typographical errors in them than ever he dreamed of before.

Mr. DONOVAN. The counsel for the contestee accepts the challenge, and will satisfy the gentleman to his heart's content.

By Mr. POLLARD:

Q. Didn't you ascertain there that this man John B. Davis was a Democrat?—A. I did not, sir; I was told that he was a Republican.

Q. And you swear here now that he was a Republican?—A. I just refer to what his father told me; whether he is a Democrat or a Republican, I do not know personally.

Q. And you didn't find any John Dietrich at 3715 Broadway, but you did find a George Dietrich, who had been living there for nineteen years?—A. I didn't find anything of the kind.

Q. Who did you find there?—A. I found George Dietrich living at 3715 Broadway, and had been living there for two and a half years; he informed me that his brother John lived in the northeast corner of Benton, near Broadway, and that he had lived there for the past nineteen years.

Q. Do you know whether these two men were brothers or not?—A. I only know, sir, what Mr. George Dietrich told me.

Q. Did you learn that Mr. George Dietrich was a Democrat?—A. I did not, sir.

Q. What information did you have on that subject?—A. None at all.

Q. Don't you know, of your own personal knowledge, that he is a Democrat?—A. I don't know anything of the kind, sir.

Q. You learned that a man named James J. Wild had moved about

six months ago from 392⁹ Broadway, and that he moved before the election; have you any further information on that subject?—A. That is all, sir.

Q. Do you know whether or not he moved more or less than six months ago?—A. The lady whom I saw told me that he had moved from there six months ago.

37 Q. Did she tell you where he moved to?—A. I don't think she did; or, if she did, I didn't get it.

Q. You did not go to see him personally?—A. He was not there.

Q. But you did not go to the place that she told you he had moved to see him?—A. No; because I didn't know where he had moved to.

Q. But did not this lady tell you where he had removed to?—A. No, sir; she said he had moved from there about six months ago; I thought she was probably mistaken, and I asked her particularly if he moved before the election, and she said he had.

Q. And you inquired at 3234 Broadway for a man named Charles Evens, and you testified that he was not known there?—A. Yes, sir.

Q. Did you make any further inquiry or have you any further information about it?—A. None at all, sir.

Q. Did you make any inquiry over there for a man that had registered from that number, and the only man that had registered from the number, by the name of Charles Evarts?—A. I inquired for Charles Evens.

Q. And you made no inquiry for the man who had really registered from that number, by the name of Charles Evarts?—A. I did not inquire for Mr. Evarts.

Q. And don't know whether he was properly registered from the number or not?—A. I don't know whether there is a Mr. Evarts living at that number or not.

Q. Do you know what Mr. Evarts's politics are?—A. I do not know, sir; I didn't find any such party.

Q. And the keeper of that boarding-house at 4036 Broadway told you that George W. Monroe had been eating there, but had not slept there?—A. Yes, sir.

Q. Have you any further testimony about him?—A. No, sir; none at all.

Q. And you know nothing about him?—A. No, sir.

Q. And you are not prepared to say whether he slept at that house on election day or not?—A. I just give you the information as I received it from the proprietor of that boarding-house, who told me that Mr. Monroe had been eating there for one year, but that he didn't sleep there.

Q. And that is all?—A. That is all; yes, sir.

Q. And you didn't learn whether he had been sleeping there the previous week; you simply learned that he had been eating there for a year, but did not now sleep there?—A. I didn't say that he didn't sleep there now. I said that the proprietor told me that Mr. Monroe had been eating there for a year, but was not sleeping there; the proprietor distinctly told me that this man had been eating there for a year, but had not been sleeping there.

Q. Well, now, have you any further recollection on the subject?—A. None further, sir.

Q. That is all you now remember?—A. That is all I now remember.

Q. And by that testimony it is expected to disfranchise that man

Monroe, who is a well-known Democratic politician?—A. I don't know whether it is so intended or not.

Q. But you do know that he is a Democratic politician?—A. I don't know anything of the kind, sir; I couldn't ascertain anything about that; I don't know that there is any such man living.

Q. You didn't inquire for a man named Charles Hebbs, of 4036 Broadway?—A. I inquired for Charles Webbs; I didn't inquire for Charles Hebbs.

Q. Notwithstanding that there was no man by the name of Webbs registered from that number, but there was a man named Charles Hebbs who did register from that place?

Mr. DONOVAN. I object to tantalizing the witness with such driveling nonsense as that a man named Hebbs was registered on the official sheets, when the name plainly and distinctly appears on the books as Webbs; and therefore it is the sheerest nonsense to talk to this witness about a man named Hebbs.

Mr. POLLARD. The official registration book lies before me, and it is therein written Hebbs, and not Webbs.

40 Mr. DONOVAN. The official registration sheet—and I appeal to every gentleman present—does not lie before the counsel for the contestant; and why he should state such a fact is an enigma to me, because he is a truthful gentleman, as well as a city lawyer.

Mr. POLLARD. I disclaim the innuendo of being a city-bred lawyer.

Q. Did you inquire at 4016 Broadway for Michael Tebeau?—A. I inquired for Michael Tehan.

Q. And did not inquire for Michael Tebeau who did register from there and voted from there; and Tehan or Tebeau did not register from there nor vote?—A. I inquired for the party as I read the name.

Q. And you made no inquiry there for Mr. Tebeau?—A. No, sir.

Q. And you don't know whether he resides there or not?—A. I do not.

Q. You ascertained that a man by the name of George B. Randall had left 4019 Broadway before the election?—A. I did.

Q. Have you any further information than that?—A. None at all in regard to that party.

Q. Do you know anything more about it than that?—A. I do not.

Q. You don't know how long before the election he left there?—A. I do not, sir.

Q. And you don't know whether or not before the election, after
41 having left, he returned there, or are you now willing to say that you do know more about him than you have already testified to?—A. I only know what I have testified to, and what is on my memorandum about it.

Q. But isn't it a fact that you ascertained that this man Randall did live there before, at, and succeeding the election, but that a few days before the election he made a visit to the country, leaving his family there, but returned to his family before the election and registered and voted there from that number?—A. No, sir; I don't recollect anything of the kind.

Q. Isn't it a further fact that you ascertained that this man George B. Randall is a Republican?—A. No, sir; that is not a fact; I did not ascertain that; I didn't inquire whether he was or not; but being a good American name I naturally supposed he was a Democrat.

Q. Well, this man Hood you found, by inquiring at three or four different houses, and from parties who had been living there but a few months, did not reside at 3918 Broadway. Now, I want to know whether

you made inquiries at that house, 3918 Broadway for Mr. Hood?—My recollection is that I inquired at that number, 3918.

Q. Does your memorandum show whether you did or not?—A. does not; but I naturally, in every instance where there was a house inquired for the party there first.

Q. Now, did you inquire for any man named William Wood there?—A. I inquired there for William Hood.

42 Q. And no one else?—A. I will state here that, according to my recollection, the parties who are living in that house told me they had only been living there some two months. I knew, of course, that they would know nothing about that party. I finally inquired, I think, next door—I think at 3916, and my recollection is that they told me—either at this house or some other house in that neighborhood, that there had been a party by the name of Wood living there or about there but they didn't seem to be positive; and as I wanted to get positive information I inquired further, and saw a party living opposite to that number, or nearly opposite to this 3918, who had been living there for some time, and he told me that he didn't know any William Hood and I so made my memorandum that the party was not known there.

Q. Did you inquire of him for William Wood?—A. I can't recollect whether I did or not.

Q. But some party from whom you got this information—the party next door told you that a man by the name of Wood had lived there but they didn't know anything about Hood?—A. I think there was a party next door, or somewhere in that neighborhood, told me there was a man by the name of Wood living there in November; that he had moved since the election; but this latter party that I saw told me that he didn't know any such man as Hood. I can show you my original memorandum if you wish to see it.

Q. I don't care about seeing it. Now, I want to know who you inquired for at 3900 Broadway?

WITNESS. Who did I inquire for at that number?

43 COUNSEL. Yes.

A. I inquired for Martin Shaneton.

Q. And was there anybody known by any such name?—A. No, sir.

Q. You ascertained that he was not known there?—A. Yes, sir.

Q. Who did you ascertain that from?—A. I ascertained that, according to my best recollection, from the lady living next door. The number 3900 was vacant; that is, a portion of it. I don't know whether the upstairs part was or not. There was a store in the entrance—seemed to be a store down stairs. The windows were all broken.

Q. You didn't inquire for Mr. Theodore Heuerman, or did you inquire for Mr. Theodore Henerman?—A. I inquired for Mr. Henerman or Mr. Heuerman, and the parties from whom I inquired didn't seem to know very much. I asked for both names, thinking it might be either.

Q. And they didn't know any such man?—A. No, sir.

Q. Then you didn't inquire and didn't elicit any information concerning Hoopman?—A. No, sir.

Q. In answer to a question by Mr. Donovan, you stated that there was no such number as 1123 North Fifteenth street?—A. Yes, sir; I stated.

44 Q. Did you make any inquiries for Louis Zoellmann at 11 North Sixteenth street?—A. I didn't inquire at North Sixteen street for that party. The envelope that I had was directed to 1123 North Fifteenth street. There I went and found that there was no such number there, and the party not known.

Q. And you didn't inquire for the man at all; I mean Mr. Zoellner, on Sixteenth street?—A. No, sir.

Q. And there is no such number as 1123 North Fifteenth street?—A. No, sir; there is not.

Q. Now, in answer to a question put to you by Mr. Donovan, you stated that you did not know the politics of Howard McCullough; now, on reflection, do you not remember that Howard McCullough is a Democratic ward politician?—A. I don't know anything about Howard McCullough. I don't believe I ever heard of him, or saw his name before I saw it on the envelope.

Q. Taking advantage of your friend's typographical errors, instead of looking for Mr. Shea at 1005 North Fifteenth street, you looked for Mr. Sage instead of Shea, and you didn't find any such name, or any man of that name; but you did find a man of the name of Shea, who says he has been living there for the past year?—A. Either you have got that question badly mixed, or else I don't get it right. What I did was to inquire for Mr. L. Ahe.

Q. No middle initial?—A. No middle initial.

45 Q. And you found a man by the name of Shea?—A. Humphrey Shea lived there for the past year, and the man Ahe was not known.

Q. And you did not ascertain from Mr. Shea, who does reside there, that he had registered and voted under that name (Shea), but that some typographical error had crept into the registration lists, and they had put it down L-a-h-e, instead of Shea?—A. No; I didn't ascertain anything of the kind from him. I inquired of him if this party, L. Ahe, was known to him, and was informed that he was not known, but that he, Mr. Humphrey Shea, had been living there for the past year.

Q. And you didn't inquire for a man by the name of Charles Edward Piston at 1515 Cass avenue, the man who did register from that number, and the only man who did register from that number, and voted on last election day in November, but you took the trouble to inquire for a man that was not known in that neighborhood, and not known to the city directory, and known nowhere except in the fertile imagination of the counsel for the contestee, and known to him by the name of Putor?

Mr. DONOVAN. The witness inquired for the name which appeared upon the official registration sheet, and none other.

Mr. POLLARD. He did not, begging your pardon, because I have the official registration sheet before me here.

Mr. DONOVAN. But it don't matter whether it was Piston or
46 Putor or any other name; we ignore typographical errors or clerical errors, whether it was Piston or Putor, let the witness tell whom he did find there.

A. I inquired for Charles Edward Putor.

By Mr. POLLARD:

Q. And did not inquire for Charles Edward Piston?—A. No, sir; I didn't ask for any Mr. Piston.

Q. And know nothing about him?—A. No, sir.

By Mr. DONOVAN:

Q. You didn't inquire for Mr. John Smith at the same place?

Mr. POLLARD. I object to the interruption.

A. I didn't inquire for anybody there but Mr. Putor.

Q. Did you not ascertain that a man by the name of Piston did live there?—A. I did not ascertain anything of the kind.

Q. Did you not ascertain that Mr. Piston is a Democrat?—A. I didn't

ascertain that there was any such man, and if there was any such man I didn't find out whether he was a Democrat or a Republican.

Q. And you don't know, of your own knowledge, that this man is a well-known Democrat?—A. The man I inquired for is not known; if he were being known, I couldn't inquire as to his politics.

Q. Do you know whether or not you inquired for A. C. or A. G. Hane, 1623 Cass avenue?—A. I inquired for A. C. Hane.

Q. And did not inquire for A. G. Hane, who did register for 47 there?—A. I did not inquire for A. G. Hane; no, sir; I inquired for A. C. Hane, and was informed by the proprietor of the boarding-house that he had been living there for about two months.

Q. And you did not inquire for William G. Baker at 1703 Cass avenue, but you did inquire for William J. Baker?—A. I went to 1703 Cass avenue, and found that a planing-mill, and knowing that nobody could reside in it I didn't inquire either for Baker or Baker, or any other man.

Q. You did not make any inquiry for a man named William J. Baker at 1703 Cass avenue?—A. I did not, sir.

Q. Did you inquire for a man by the name of Quenlein, 1515 North Sixteenth street; I believe you said you did, and your information was that the party was not known there; have you any other information on that subject?—A. None at all, sir.

Q. And don't know anything of it, of your own knowledge?—A. No, sir.

Q. I want to know if you inquired for a man by the name of Quenlein?—A. No, sir; I didn't inquire for him.

Q. And you don't know where he lives or anything about it?—A. No, sir.

Q. Did you inquire at 1106 North Seventeenth street for Henry Ruhe; I believe you found out the party was not known there?—A. Yes, sir.

48 Q. And you did not inquire at 1606 North Seventeenth street for him, which was the place from which he registered and voted on election day?—A. I did not inquire for him at 1616 North Sixteenth street, but I inquired for him at 1106 North Sixteenth street, where I found he was not known.

Q. I wish you would give me all the information that you have regard to John Heflen, 1006 North Seventeenth street?—A. The only information I have is that he is not there.

Q. And you don't know anything else about him, whatever?—A. No, sir.

Q. You don't know from whom you got that information?—A. No, sir; I can't remember from whom I got it.

Q. And that is all you know about him?—A. That is all.

Q. How much of a boarding-house is 1626 North Fourteenth street?—A. I didn't say that it was a boarding-house. I saw the lady who owns the property—she owns some two or three houses there. I went there—

Q. Where does she live?—A. She lives on North Fourteenth street.

Q. Whereabouts?—A. Well, I went into the yard of 1626, and inquired for the landlady, or the owner of the property, and was pointed to a room where I saw a lady.

49 Q. Does she live there at 1626 North Fourteenth street?—A. That may be the number that she lives in; it is one of the houses. I think that she owns three houses there. I think there are all three-story houses.

Q. You didn't inquire for August Roling at 1426 Monroe street, from which number he registered and voted, but you took the trouble to go to 1415 Madison street?—A. I went to 1415 Madison street and inquired for August Roling.

Q. Because that was the number that was on your envelope, and that is all you know about him?—A. Yes, sir.

Q. Of course you didn't find him because he does reside and did register and vote from 1426 Monroe street, and no man of that name registered or voted from 1415 Madison?—A. Well, that I don't know anything about, any further than I have stated.

Q. You didn't inquire at 1006 North Seventeenth street for John Steffton but John Hefflen?—A. I inquired for John Hefflen.

Q. And did make no inquiry and know nothing about John Steffton as to whether he resided at that number on last election day, do you?—A. No, sir; I didn't inquire for any such person as John Steffton.

Q. Nor Stefflin, nor any one else, except Hefflen?—A. Hefflen was the only man that I inquired for.

Q. And you did not find, at 1315 Madison street, a man by the name of Markoke, but you found a man by the name of Marske?

50 —A. I found that there was a party by the name of Henry Marske that had boarded there up to about six months ago.

Q. Well, what further information have you got about him, if any?—A. That is all, sir, that I can recollect; that is all that I have on my memorandum about it.

Q. And Henry Markoke is the only man that you recollect of inquiring for, and the only man of whom you know anything?—A. I didn't inquire for Henry Markoke; I inquired for Marke.

Q. Then you made inquiry for Marke?—A. Yes; and ascertained that a party was living there named Henry Marske, but that party had left there six months ago.

Q. And you didn't inquire for a man named H. H. Wobbe at 1514 Warren street, but you inquired for a man named H. W. Wobbe at 1519 Warren street, and you testified here that he was not known. Is that correct?—A. I testified that Mr. H. W. Wobbe was not known at 1519 Warren street; whether he was known or whether he resided at 1514 Warren I know nothing at all about. I don't presume he did, though, because my recollection is that the party I inquired of there was a party that has been living in that neighborhood for some time—for some number of years, and he would probably have known if this man had lived or was living anywhere in that neighborhood.

Q. Who was the party from whom you inquired?—A. I have forgotten his name; I would know him if I saw him.

Q. Have you ever seen him before?—A. No, sir.

31 Q. Now, your imagination leads you to believe that he has lived there a good many years?—A. My recollection is that the party told me this; that is, this gentleman who gave me this information that he had been living there for some time, and he didn't know any such party as H. W. Wobbe.

Q. Which side of North Market, between West Twentieth street and Jefferson avenue, did you inquire for Wilson?—A. I inquired for him on both sides, the north side and the south side.

Q. All along? Is there any house between West Twentieth street and Jefferson avenue?—A. No, sir; I inquired at all there was.

Q. Isn't it a fact that there are at least twenty houses on North Market street, between West Twentieth street and Jefferson avenue?—A. No, sir; I don't think there are.

Q. How many houses are there?—A. I don't remember; I don't think there is over—you mean on both sides of the street?

COUNSEL. Yes.

A. I don't think there is on both sides of the street over fourteen houses.

Q. And you inquired there in that neighborhood at how many houses?

—A. I inquired at three of them; one of them was a grocery store, the proprietor of which has been living there for some twelve years, so he informed me, and he told me he knew everybody in that neighborhood; he didn't know this party.

Q. And you are satisfied that he did?—A. Yes, sir; I was satisfied that he was a truthful man.

Q. He knows everybody in that neighborhood for several blocks around?—A. He told me that his house was the first one built on the block; I have a distinct recollection of that conversation, because I know I got very hungry there, and I ate something at his store.

Q. You didn't inquire for Mr. Schlomann at 1936 Benton street, but you did inquire for a man named Echloman?—A. Mr. Ernest Echloman was the man I was inquiring for, and I ascertained that he was not known there.

Q. And you made no inquiry for Mr. Schloman?—A. No, sir; made no inquiry for Mr. Schloman.

Q. Notwithstanding the fact that Mr. Schloman was the only man that registered from that house on the day of our last November election, you made no inquiry for him?—A. I made no inquiry for that party, because I did not know anything about any such name; hence could not ask for it.

Q. You inquired for a man named Rinwood, on North Market street between West Twentieth street and Jefferson avenue, and found that no such party lived there, and you did not inquire for a man named Kinwood there, who had registered from that number and voted from there and was the only man that did so?—A. On my envelope there was no other name than Rinwood, and the number of his residence was given on the south side of North Market street, between West Twentieth and Jefferson avenue, from individuals in that neighborhood; and I asked of this party who had been living there for twelve years; and he didn't know any such party as that.

Q. My question is did you inquire for Kinwood?—A. I didn't ask for Mr. Kinwood; no, sir; I didn't know anything about him.

Q. This investigation which you made, you say you commenced about the twentieth of March, and ended somewhere about the twenty-fourth or twenty-fifth of March?—A. I said I thought I commenced about the twentieth of March and finished about the twenty-fifth; it may have been a day or two later.

Q. Are you still in the employ of Mr. Donovan?—A. I am not, sir.

Q. And haven't been since you testified here the other day?—A. No, sir; not since that time.

Signature waived.

Not being able to complete the taking of these depositions, I now adjourn the further taking of the same until to-morrow, Friday April 8, 1881, at the hour of eleven o'clock in the forenoon, then to resume and continued at the same place.

[SEAL]

FRANK KRAFT,
Notary Public, City and County of St. Louis, Mo.

Term expires March 13th, 1882.

No. 46.

FRIDAY, April 8, 1881.

Pursuant to adjournment as above stated, on the 8th day of April, 1881, at the hour of eleven o'clock in the forenoon, I continued the further taking of these depositions, as follows :

1 WILLIAM J. ANDERSON, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit :

By Mr. DONOVAN :

Question. Your full name, please ?—Answer. William J. Anderson.

Q. Were you employed by me in any respect during the last month in this Sessinghaus-Frost controversy ?—A. Yes, sir; I think I was employed by you from the fifteenth day of March until to-day.

Q. For the purpose of ascertaining whether or not negro witnesses who testified on the part of the contestant lived at the places where they claimed to live ?

Mr. POLLARD. I object to that question as leading, and put to this witness for the purpose of having him answer "yes."

By Mr. DONOVAN :

Q. Well, what was the purpose ?—A. Well, you employed me, as I understood it, sir, for the purpose of ascertaining what witnesses that swore that they lived at places, whether they did or did not live at such places ; and if they did not live there, to try and find out where they did live, if they never had lived at the places where they swore they did live.

Q. You made such an inquiry ?—A. Yes, sir.

Q. And made a report of it ?—

2 Q. Is that your report ?—A. Yes, sir ; that is my report.

Mr. POLLARD. I would like to look at it.

Mr. DONOVAN. Certainly ; with my usual degree of courtesy, here it is.

(Mr. Pollard, after examination of paper, returns the same to the witness.)

By Mr. DONOVAN :

Q. Henry Betts swore upon the stand on behalf of the contestant, that he lived at 1006 North Ninth street ; what did you find in regard to him ?

Mr. POLLARD. I object to that question, for the reason that the attorney for the contestee prefaces his question by a statement made ostensibly and palpably for the purpose of getting this witness to swear on this stand that he made some discoveries about Betts having a residence at some other place, and for no other purpose under the heavens.

By Mr. DONOVAN :

Q. You made this report to me some time ago ?—A. Yes, sir.

Q. Long before I had any question to make a preface to, did you not ?—A. Yes, sir.

Q. Did you find Henry Betts, who swore he lived at 1006 North Ninth street, at that place ?

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3 Mr. POLLARD. I see you are holding up your hand and reading from a paper; what is that paper?

A. That is my writing, sir; I cannot remember readily.

Q. When did you write that?—A. This, I think, I made, sir—I do it—no I didn't date it; I wrote this, I think, some time in last March twenty-fourth, or probably the twenty first; it was about six days after Mr. Donovan employed me that I made this report to him.

Q. What did you write that from?—A. From a book that I have kept in my pocket.

Q. That is a copy of some memorandum?—A. It is a copy of memorandum.

Mr. POLLARD. Then I object to the use of that memorandum by witness for the purpose of reading his testimony in this case, for reason that the witness swears himself that it is or purports to be copy of something else.

A. I have got the book here this morning—right here; you can read this book, too, if you want to. I think I have it with me.

Mr. DONOVAN. You can read from the book or memorandum, just as you like; all I want to know is did you find Henry Betts at 10 North Ninth street, who on the stand swore that he lived there?

Mr. POLLARD. I object to that question, because the counsel does not state the facts.

4 WITNESS. (Reading from book.) Henry Betts, 1006 North Ninth street, does not live there, sir; I inquired next door, and they told me they didn't know no Henry Betts; the place downstairs is occupied, but the upstairs is empty.

Mr. POLLARD. I see now that your testimony is given in answer to the question of Mr. Donovan from a book?

By Mr. DONOVAN:

Q. That is your memorandum made at the time you made this inquiry next door?—A. Yes, sir.

Mr. POLLARD. When did you write that in that book?

A. I wrote that the day that I found he did not live there.

Q. When was that?—A. That was between the fifteenth and twentieth.

Q. Of what?—A. Of last March.

Q. Can you remember any more specifically about that?—A. Well, I don't think I could, sir.

Q. Where did you write that book; up at your house?—A. No, sir. I wrote it at the time when the lady told me that this man didn't live there; I then took that book out of my pocket and made the same memorandum: "Henry Betts does not live here, at this house, 10 North Ninth street."

Q. Is that all in your handwriting?—A. Yes, sir; it is all in my handwriting.

5 By Mr. DONOVAN:

Q. Now look for Layton Harris, who was on the stand and testified that he lived at 1008 North Ninth street, and was refused the privilege of voting; what did you ascertain in regard to him?

Mr. POLLARD. I object to the witness reading his answers from the book, because it is incompetent and improper method from which to make testimony in this case.

Mr. DONOVAN. Although the memorandum was made right at the time you obtained the information?

WITNESS. Yes, sir.

Mr. POLLARD. He doesn't say that it was so made.

WITNESS. Yes, I did say so. I informed you that I had made this entry in this book right at the door when I ascertained that he did not live there. I made the memorandum that he did not live there, as you may see it there in that book (placing book before the contestant's counsel.)

Q. Is that book an exact copy of the paper from which you originally read?—A. Yes, sir.

Mr. DONOVAN. The paper is a copy from that book; you have now turned to your original memorandum?—A. Yes, sir.

By Mr. POLLARD:

6 Q. When did you make that copy?—A. I made that copy, sir, I think, on Saturday, when I made my report to Mr. Donovan.

By Mr. DONOVAN:

Q. Last Saturday?—A. No, sir; not last Saturday. I think it was Saturday, about the twenty-first. Is it not dated there? It was on the 18th.

Q. Eighteenth of what?—A. Eighteenth of March.

Q. But you are not reading from any copy at all; you are reading from the original memorandum?—A. I am reading from this book, sir; this original memorandum.

Q. And I hold the copy?—A. Yes, sir.

Mr. POLLARD. I now reiterate my objection, because it is incompetent for a witness to read his answer from any book whatever, being only secondary testimony. The best testimony is not reading from the book, but the book itself is the best evidence.

By Mr. DONOVAN:

Q. When you see what you have entered in that book there, it refreshes your memory of what was the result of your visit to that house?—A. Yes, sir.

7 Mr. POLLARD. Isn't it a fact that in these answers which you have read, and those which you propose to read, you simply read from that book what there is on there, and nothing more?—A. Yes, sir.

Mr. POLLARD. I object, for the reasons above stated.

By Mr. DONOVAN:

Q. You made these inquiries and took the memorandum of what passed at the time you made such inquiries?—A. Yes, sir.

Q. And you are just now reading what you took down under the noses of the people that gave you the information?—A. Yes, sir; that is right.

By Mr. POLLARD:

Q. And you are answering his question simply and solely by reading from what you have there in that book, are you not?—A. That is what I am doing, sir; positively, sir.

By Mr. DONOVAN:

Q. Well, Laton Harris swore that he lived at 1008 North Ninth street on the stand; does he or does he not live there?

Mr. POLLARD. I object to that question, because it is prefaced by a statement which is not true.

A. About Mr. Harris, I found out that he did not live there. I found that out from a lady that lives there in the rear of that place, after I had made some inquiries in the front part of 1008 North Ninth street.

Then I found out from the lady that lives in the rear of that place that he did not live there in 1008. There were white people that lived in front of this place, and this Laton Harris is supposed to be colored. That was all I was looking for; and this colored lady told me that he was not living there at that number. I mean this colored lady that lived in the rear of 1008 North Ninth street.

Q. Mr. Ike Hays got upon the stand and testified that he had lived at 1008 North Ninth street; what did you ascertain in regard to him?
—A. This same lady told me——

Mr. POLLARD. I object to the question because of the statement made in prefacing the question, which statement it is sought by the counsel for the contestee to be received by the committee as evidence.

Mr. DONOVAN. I will ask Mr. Pollard now whether he seeks to impeach his own witness, who testified to this simple fact?

Mr. POLLARD. I seek not only not to impeach my witnesses, but I seek and shall successfully show to the gentleman that he is not only not impeaching them, but is not even attempting to impeach them; that he is asking about not only parties who did not testify in our behalf, but endeavoring to lead the committee to believe that other parties who did testify resided at different places from those where they testified they did reside.

Mr. DONOVAN. I will ask him whether these names that I read of were not witnesses that went on the stand and testified to exactly these places of residence?

Mr. POLLARD. I object to the question because it is not the best evidence in the case; the best evidence in the case is the record here, in which will show for itself; and the next best evidence is the witness himself, by whom they should seek to prove whether he does or does not live there; this testimony is purely and simply hearsay testimony. If the counsel for the contestee desires to put me upon the stand I will endeavor to tell him all I know about the question which he asks me, but until then, until he does, I apprehend that my testimony would not be competent.

Mr. DONOVAN. Are you willing to say that Ike Hays did not appear upon the witness stand in your behalf and swear that he lived at the place I have already named?

Mr. POLLARD. I have said nothing whatever about Ike Hays.

Mr. DONOVAN. Well, Ike Hays did swear to that, and the record will bear me out. I will ask you, Mr. Witness, whether it is true or not that he lives or lived there?

A. Ike Hays, 1008 North Ninth street, does not live there.

Q. Do you know whether he ever lived there?—A. This lady that asked in the same place where Laton Harris said he lived, and she told me that that Hays didn't live there, or thereabouts; she didn't know him at all; she is the only colored lady, I think, who lives within the doors of that place.

Q. Although he testified on the stand that he had been living there for a long time; if he had been so living there would you have known of it?

Mr. POLLARD. I object to this question because this witness does not know whether he testified or not; and because of his willingness to assent to any statement the counsel for the contestee may choose to make.

WITNESS. If you had waited, gentlemen, I would have told you that I didn't know what the witness testified to; all that I ascertained was that he did not live, and never had lived, at that place.

By Mr. DONOVAN:

Q. Now, Sam Scott also got upon the stand and swore that he resided a long time at 920 Carr street; what did you ascertain in regard to him?

Mr. POLLARD. I object to that question because it is prefaced by a statement that will not be borne out by the record in this case; Mr. Scott testified to no such state of facts.

By Mr. DONOVAN:

Q. What did you ascertain in regard to him, Sam Scott?—A. I ascertained that there was no such number there; I could find no man on Carr street by that name from Ninth to Tenth streets; there is a large dispensary, and it takes up half that block; where No. 920 should be is this dispensary, and it takes up one-half of the block, sir.

Q. Well, another conscientious colored man, with the seventy-five cents staring him in the face like the morning sun, testified on the witness stand that he lived at 1121 North Tenth street, and was refused the privilege of voting for Congressman—for Mr. Sessinghaus; now, what did you elicit in regard to him—Alexander Atkins?

Mr. POLLARD. I object to that, because of the poetry that is in it; this seems to be, as it should be, a case of facts and evidence, prose not poetry.

By Mr. DONOVAN:

Q. Well, did Alexander Atkins live at 1121 North Tenth street or not; what did you ascertain in regard to that man?—A. I have got it here, sir, where I made a note last night, that Mrs. Holmes told me that I dare say about two days ago that—

Mr. POLLARD. I object to the witness reading from a book about a Mrs. Holmes; what she told him about two days ago, and which he wrote down in the book last night.

WITNESS. I did not say in the book.

Mr. POLLARD. I say I object to this kind of stuff, and having the attorney making the endeavor to palm it off on this committee as testimony in this case.

WITNESS. This is in the notebook, written right at the bottom, and this what Mrs. Holmes told me—what I have got at the bottom here: this is it—

Mr. POLLARD. I object to the witness reading from that book what Mrs. Holmes told him, for the reasons heretofore given, and also

12 to his reading from the paper which has been furnished him by the counsel for the contestee for the purpose of making testimony in this case from some unknown source.

By Mr. DONOVAN:

Q. Was any paper furnished you by me?—A. No, sir; I paid five cents for the paper, for this and the balance of the lot which is now lying in your office; I bought it up there on the corner of Ninth and Washington avenue last night and paid five cents for it, and bought a blotting paper with it. Alexander Atkins (from my book here) does not live at 1121 North Tenth street; Mrs. Holmes, who lives at that number, says that she had done this man's washing, but that he lived in Clabber alley, between Sixth and Seventh streets, and Wash and Franklin avenues.

Q. Which is in the second Congressional district?—A. Yes, sir; I think that is the district it is in.

Q. Now, you made some inquiry for a man by the name of Dan. Haw

kins at 1008 North Thirteenth street, who testified upon the stand that he lived there; what did you ascertain in regard to him?—A. There was no such man at 1008 North Thirteenth street; nobody knew him there at all.

Q. What did you ascertain in regard to Ed. Caldwell, of 1121 North Twelfth street?—A. Ed. Caldwell, 1121 North Twelfth street; I found out that he lived there, sir.

By Mr. POLLARD:

13 Q. You read that from a paper which purports to be a copy of some other paper?—A. No, sir.

Q. That paper from which you have read, answer me how that was made up?—A. Made up of what they told me.

Q. When was that made?—A. This paper I wrote last night.

Q. What did you write it from?—A. From this man himself, who said that he did live there, from the admissions that he gave me. Mr. Caldwell lives there, but he told me that he did not want to come here and testify; that he had been bulldozed by Mr. Smith, but that he was in Wisconsin on the day of the election.

By Mr. DONOVAN:

Q. And yet he swore that he had been refused the privilege of voting for Sessinghaus; now he admits to you that he was not in the city on election day?—A. Yes, sir.

Q. Do you know whether he gave his name as Ed. Caldwell on the stand, or did he give any other name?—A. I don't know how he gave his name in on the stand, sir; I know that the paper you handed me with the name of the witnesses had Ed. Caldwell on it; when I inquired there for him I found Ed. Caldwell there, a dull, browned-skinned fellow; he told me that Caldwell was himself; I asked him if he had testified in the Sessinghaus-Frost contest, and he told me there that he had testified, and that he didn't want to have anything more to do with politics; that he didn't want to be bothered with it any more; that a man named J. T. Smith had bulldozed him, and told him to go down and swear. I asked him about the seventy-five cents; he said he had received it. But he told me repeatedly that he was not in the city on the day of the election—5th November—that he was in Wisconsin.

Q. The 2d of November?—A. The 2d of November, I meant to say—Whatever the day of election was; he was not here on election day; thought it was the 5th of November; I have been thinking so for some time.

Q. But whatever day it was, he was not here on the election day?—A. No, sir; he was not here.

Mr. POLLARD. I think the witness has given substantially enough hearsay testimony, and I object to it because it is hearsay testimony and I object to it because he now endeavors to contradict the witness's sworn testimony by his oral and unsworn statements casually made at the corner of the street.

By Mr. DONOVAN:

Q. What did he say to you, Mr. Anderson, this Sessinghaus witness?—A. He told me there, sir, when I inquired for his name, he said that that was his name; he lives upstairs on the porch; he says that he was not here at the time of the election, but that a Mr. J. T. Smith and a man by the name of Jones, he believed was his name, came there and bulldozed him so that he came down and got his seventy-five

I asked him if he would be willing to testify in this case, he did not live here on election day—if he got another seventy-five; he said yes, he was willing; I asked him to meet me here in an and made him promise to meet me. I met him at the place I aped, and asked him particularly if the election was going on in the of Wisconsin where he was; he said yes; he said when he got the election was going on; that he was positive that he was not at that time; I remember pressing that question on him several, to be positive. He was not here on the day of the election. Now, he swore for Sessinghaus that he was refused the privilege ting for him?—A. Yes, sir; that is what he said.

POLLARD. I object to that question as leading; and I further t to the question because the counsel for the contestee is endeavor- to make the witness answer yes, as he did do and very promptly e my objection could be noted.

By Mr. DONOVAN:

What did he say in regard to swearing for Mr. Sessinghaus that is refused the privilege of voting, when he was not even in the

POLLARD. I object to that because it is hearsay testimony.

WITNESS. That is what he said; I couldn't get any further testimony from him; only that is what he said; that he was not here in the city at the time of the election. That he testified because he was bulldozed by J. T. Smith and Jones.

By Mr. DONOVAN:

And he testified that he was refused the privilege of voting for nghaus?—A. Yes, sir.

Mr. Anderson, do you know a man by the name of M. W. Lewis, as employed by Sessinghaus when he was bolstering up his case? Yes, sir.

Do you know Ed. H. Fulton, that was employed in the same d?—A. Yes, sir.

Do you know J. T. Smith that was employed likewise as an efficient to make testimony in this case?—A. Yes, sir.

Have you been speaking with those gentlemen?—A. Yes, sir; I had conversations with all of those gentlemen.

Well, now, what was the nature of that conversation, and what ey say?—A. Well, I talked to Mr. Lewis in regards to the Sessinghaus-Frost contest—

POLLARD. I object to this testimony right now, and I say that Lewis was a witness of the contestee and was no witness of the contestant; and I object to it for the reason that I think it is unfair for the contestee to put a colored man on the stand and make him swear one way—to one state of facts, and then bring one or ore colored men on the stand for the express purpose of perjuring witness and impeaching him therefor; just as they have done by s so will they do by their subsequent witnesses; they have, as I formed, a lot of colored men, who naturally are Republicans, whom desire to punish for that or some other cause, and they bring one e stand and make him perjure himself, or they procure it to be by some subsequent witness; the only object they have whatsoever is not to build up their case, not to do us any harm, but to do own colored witnesses as much injury as they can.

By Mr. DONOVAN:

Do you propose to perjure yourself?—A. No, sir.

down in my room and wrote it down. He (Lewis) can look at every bit of that paper; he will not deny it.

Q. Did he say anything to you about being frightened by
20 white men from giving his testimony on the stand, and unearthing this wickedness?

Mr. POLLARD. I object to that question because the witness has already stated that he has told all that he could remember of what Mr. Lewis told him; and this was his statement notwithstanding the fact that he had read over that paper for the purpose of refreshing his memory, and had it lying in front of him during the whole of his testimony.

By Mr. DONOVAN:

Q. Did he say anything about their threatening to kill him in case he gave away the rascality?—A. I remember now of his coming down to the saloon and trying to frighten me by pointing out three men on the corner. I would have remembered that any way, because I told Lewis there was no use to be frightened about that; if they said anything to him, or threatened him, why, have a policeman arrest them. I finally went up to one of them and said that if they didn't quit following us I would have them arrested; that they had better be careful. The man that I spoke to had his coat on like this (indicating); said, "You are mistaken." I then went back and told Lewis that he was mistaken in this regard, but he said no, he was positive that that was the man that came up to his room that night; that in the conversation that ensued between them this man told him he had better be careful,
20 because there was somebody going to be killed about this contest. Lewis said they scared him out of his wits; he was afraid of him. I am positive that he followed us all that day; he followed Reuben Armstrong, myself, and Lewis from this place where we were standing, on Eleventh and Morgan.

Q. Could you identify the man if you saw him?—A. Yes, sir; I have seen him often since; I saw him on election day. One of them met me on election day; he was in a buggy with a young man. This other man said, "If you don't quit and let this man alone, I will get out and smash you."

Q. Is that the man with the blue spot under his eye and another one on his nose?—A. I saw nothing blue then; I thought he had a very clear eye.

Q. He is the man that frightened Lewis, and kept him from unearthing the rascality which had been practiced on behalf of the contestant in this case?

Mr. POLLARD. I object to leading this very willing witness, who is here for the purpose of telling a lot of these cock-and-bull stories; this is simply a make-shift to account for the meagerness of the testimony of Lewis as found in this record, and if the committee could see the manner of the witness on the stand, they would at once place his testimony in the rank it deserves.

Mr. DONOVAN. The witness on the stand is just as genteel as any witness of the contestant, or the counsel for the contestant himself; and the counsel for the contestant well knows that his objections thus
22 far, or the majority of them, have been made for the purpose of frightening this witness; and now, seeing that he has failed in that business, he is endeavoring to make an erroneous impression upon the committee who shall read this report. The counsel for the contestant well knows that this witness is here to tell the truth, and nothing else.

Mr. POLLARD. The truth as furnished by the counsel for the contestee.

By Mr. DONOVAN:

Q. Have I furnished you with any of this information?

WITNESS. Not a bit of it, sir.

Q. Was this the same man that threatened to kill Lewis if he gave this matter away?—A. That is what Lewis said to me.

Q. Now, you had a conversation with this man Fulton, who was run out of town, and who has been employed in behalf of Mr. Sessinghaus?

Mr. POLLARD. I object to that question because it is so palpably nothing but hearsay, and because it is a misstatement. Mr. Fulton was never a witness for us; he was a witness for the contestee, but they for some cause did not put him on the stand; the reason, as we understand, and are creditably informed and believe, being that the counsel for the contestee having found out that if he put this man Fulton on the stand he would wholly destroy their case, and impeach all the other colored men whom they should put, or had already put, upon the stand, and that he would prove some of the rascality of the contestee in this case, in the management of this case; that he
23 would bring this so clearly home to him, that they were forced to and did send him out of town, so that his testimony could not be had by us.

By Mr. DONOVAN:

Q. Did you go up with a subpoena to bring Mr. E. H. Fulton down to this office?—A. Yes, sir, I did; I did not find him.

Q. What did you find out in regard to him?

Mr. POLLARD. I object to that because it is the merest hearsay, and is utterly irrelevant, incompetent, and immaterial.

WITNESS. I found that he had left the city, sir.

Q. (By Mr. DONOVAN.) Did you know when or where he had gone?—

A. Only what I heard Mr. Lewis say; he told me he had left the city.

Q. But you had a subpoena for him?—A. Yes, sir.

Q. And he knew that he was to appear here?—A. Yes, sir.

Q. And he promised to be here?—A. Yes, sir.

Q. And you fully expected to find him there?—A. Yes, sir.

Q. And you had a subpoena for that purpose?—A. Yes, sir.

Q. And when you went to serve it on him you found that he had left the city for some unaccountable reason?—A. Yes, sir.

24 Q. What did Mr. Fulton say to you in your conversations with him?

Mr. POLLARD. I object to that for all reasons. If the contestee has no other proof with which to establish his case than this, my advice to him is to abandon it at once—to put one colored man on the stand to prove what some other colored man might have said, and that is the only testimony that they have elicited or attempted to elicit from the witness. It is just about as competent as any testimony which they have put into this case. It is the grossest and the boldest hearsay testimony that can possibly be conceived; not only do they hand the witness a paper and ask him to testify from it, but they actually ask him to state what another witness in this case had stated to him.

By Mr. DONOVAN:

Q. Have I asked you to read from any paper for any purpose in this case?

By Mr. POLLARD:

Q. Is it not true that you now hold in your hand and were reading from it for the purpose of making testimony in this case?—A. This is a paper I am holding in my hand.

Q. And you are reading from that paper for the purpose of making evidence in this case?—A. I have reduced my testimony to writing, otherwise there are some points that I would not remember; of course by taking an occasional look at a paper you can call the matter more distinctly before the mind, and that is what I have done.

Q. And you know nothing in the world except what is on that paper?

WITNESS. Nothing in the world?

Q. In regard to this conversation?—A. I couldn't say that; I couldn't put down the whole conversation on paper; these are simply points that I put down here to remember—landmarks like.

Q. And you don't remember any further than what is on that paper?—A. Yes, sir; I think I do, sir; although I don't know that that would be as good as this paper.

Mr. POLLARD. I object to the use of that paper by the witness because it is entirely unheard of as a precedent on the subject of evidence; where a man builds his own case not only with hearsay testimony but in contradicting the testimony of his own witnesses, and, as he says here himself, to contradict the testimony of his own agents in the case, and making his agents and his witnesses lie and perjure themselves, and then to read from a paper which was made up by this witness.

Mr. DONOVAN. If the gentleman is through with his insincere objection about referring to any paper, you may tell your conversation with Fulton.

26 Mr. POLLARD. I have made no insincere objections. If the counsel for the contestee will get up and state, upon his honor as a lawyer, that he believes this competent testimony, I will make no further objections concerning the same.

Mr. DONOVAN. I believe that every word that this gentleman utters on this subject is absolutely the truth; because much that this man told him, he told him and me in my presence and his presence; and if I was to be a witness on the stand I would corroborate what this gentleman has now to say.

Mr. POLLARD. But the counsel for the contestee admits that it is incompetent evidence, does he not?

Mr. DONOVAN. The counsel for the contestee admits nothing of the kind. He is forced to have this evidence taken in this case in this manner, because the contestant's agents have run his witness out of town.

Mr. POLLARD. That is absolutely and wholly false; if this man has been run out of town, he has been run out by the contestee for fear of the testimony that he would give if he were put on the stand; and the gentleman knows it well.

By Mr. DONOVAN:

Q. What did Mr. Fulton say to you?—A. I had several conversations with him. I was working with Mr. Fulton. He told me that he thought that he would go and walk around and see the men—the witness for which you (Mr. Donovan) gave him a list; he says that he could do that better than I, and for me just to write out the names for

him; that he knew the men and the places so well that it wouldn't take him half an hour a day to do what it might take me half a day to do; he said he could simply sit down and write where these men lived. He further said that it was a good scheme if he could get this part of the work because he could hide up his own dirty work that him and Lewis done; they could both hide it; he seemed very anxious to hide up what they had done before; he thought his was a very fine scheme for that.

Q. You gave him a list of the negro witnesses that had been examined in the cause for the purpose of ascertaining whether it was true or not that they lived where they swore they did?—A. Yes, sir. He informed me that it was not necessary for him to leave his room.

Q. He informed you that he did not need to go out of his rooms for that business, because he knew whether they lied or had not lied?—A. Yes, sir.

Mr. POLLARD. I object to this narrative on the part of the counsel for the contestee, thus soliciting three or four yeses from the witness on the stand; it seems to me that ought to satisfy any one that it is incompetent to examine a witness in this manner.

By Mr. DONOVAN:

28 Q. Did he say anything else to you in regard to drilling witnesses, or on any other subject?—A. Well, yes; he said to me one thing that I remember now. He said to me that J. T. Smith was very shrewd; that he thought he was guarding himself against crime as much as possible; but that he had many men at work at the saloons, and especially at Twelfth and Carr streets; and that he had frequently seen Smith talking with them, and that other men would be talking with them too; he said that as far as he was concerned, that he was, of course, on to the whole thing, and that he got out of it just five days before the closing; because he was afraid they might take the drop on him; and as far as he was concerned he was going to slip out of it. He said that he had gone down to see Mr. Donovan, but only saw Mr. Conroy; that Mr. Conroy had given him no satisfaction. I met him in lawyer Burgess's office that day, when he told me this. He said that he was going to manage, he thought he could get the management of the concern; that if he could get the management of it he would show up J. T. Smith what he had done in his management of the Sessinghaus contest.

Q. That is, if he was permitted to do it, he could do as dirty work for Frost as he had done for Sessinghaus?—A. Yes, sir.

Q. But he was not permitted to do so?—A. I don't think he was.

Q. The only object of the contestee's counsel being to show up the dirty work that had been played in the interests of Mr. Sessinghaus?—A. That was the way I understood it, sir.

29 Mr. POLLARD. I object to the witness testifying what the counsel's object was in refusing to permit Fulton, or any other man, to do dirty work, and I object to the witness answering questions of this kind, that contain long harangues by yes; they are put into the witness's mouth for the express purpose of getting him to say yes.

By Mr. DONOVAN:

Q. Did he state to you that he could locate all the crooked evidence in behalf of the contestant in this case, Mr. Sessinghaus?—A. Yes, sir; because, he said, it was not necessary for him to leave his room in pursuit of this object; that he knew just where each one of them lived; there might be one or two that he didn't know; that he would probably have to go work half an hour a day, but in regards to me he said I would have to go right to work and look up witnesses, and serve subpoenas on them.

Q. Did he state to you, before they sent him from the city, that there was going to be "hell," if Frost put him on the stand against Sessinghaus?

Mr. POLLARD. I object to that question because the counsel for the contestee did not make it full enough. When he made the observation that he was driven away from the city, he should have added the fact that he was driven away from the city by the contestee.

30 **Mr. DONOVAN.** That objection is too ridiculous to answer, inasmuch as this witness now on the stand testified that he was sent to bring him here, and the man promised to be here, and was subpoenaed to be here, when he was suddenly *non est inventus*.

Mr. POLLARD. He was like most of the other witnesses employed by the contestee in this case. After having told the contestee and his counsel cock and bull stories about what he knew and could testify to, and having received a large compensation therefor, he bethought him that having got all he was after, and all he wanted, that it was best for him not to go on the stand and perjure himself.

By **Mr. DONOVAN:**

Q. What did he say in regard to playing "hell" with Sessinghaus's case if he was placed on the stand against him?—**A.** He told me, I think it was about—yes, it was about two days and a half or three days before he left—he had seen a notification sent to J. T. Smith by myself and Lewis, that they was going to be witnesses in the Frost case, and he said if he got on the stand and swore against Sessinghaus he would "raise hell." He said that all the dirty work, he knew as much about as anybody would be like to know, and he would "raise hell." It was about a day I think or a day and a half after that, that I met him again, it was on Monday; I can't remember the date of these conversations.

Q. Did he state anything to the effect that if he was paid he would skip the town?—**A.** Oh, yes; he said if Sessinghaus would put
31 up the most money he would skip.

Q. And he did skip?—**A.** I think he did skip, sir; I couldn't find him anywhere; I think it was on Monday that I seen him last and had a conversation with him about a quarter past eleven or twelve o'clock; he said that a man named Wiesehausen had told him he wanted to have a conversation with him, and he was going down to the corner of Fifth and Olive; so he walked down town to Fifth and Olive and went up to Burgess's office, where we generally went and read the papers; he said, when he arrived at Jaccard's (it was just about one o'clock, anyhow it was one o'clock when he started down-stairs), that Wiesehausen told him to come back. I don't know whether that was the young man or not (indicating a gentleman present in the room).

Q. You never saw him?—**A.** No, I never saw him; I have heard of him through Lewis; I heard from Lewis that Fulton was in town on Sunday—this by gone Sunday.

Q. Is this the Mr. Wieseahn that he saw at that place; this gentleman sitting here, who is the agent of Mr. Sessinghaus?—**A.** I don't know the gentleman; he told me that the gentleman was connected with the Sessinghaus contest case.

Q. Well, you never saw him after that conversation?—**A.** No, sir.

Q. Although you was sent to bring him here?—**A.** Yes, sir; I had a subpoena in my pocket for him.

Q. Did he also say that he had got the money from Wieseahn and then skipped?

32 **Mr. POLLARD.** I object to that most emphatically; if there was

ver any miserable, weak, shilly-shally evidence received in any court, this caps it all; asking this witness what another witness has said about another man whom they had subpoenaed on the stand, and asking him to testify concerning it from a written memorandum; it does strike me that if the gentleman has any evidence under the heaven that is competent, it ought to behoove him to put it in, and not keep us here listening to such trash as this is; not one syllable of testimony has he elicited from this witness that is competent, not the first scintilla, and he knows it as well as I do, and but the very slightest portion of it is relevant; the idea of asking him to tell what every Tom, Dick, and Harry told him is preposterous in the extreme.

By Mr. DONOVAN:

Q. Well, what did Lewis, one of the employes of Mr. Sessinghaus, tell you in regard to Fulton skipping the town after he got the money from Wiesefahn, if any?—A. Lewis told me this; he said I was a fool; he said that there was money paid on the Sessinghaus side and that he (Fulton) had got it and skipped to Little Rock, Arkansas.

Q. You don't know where he went to?—A. No, sir; I told him that I didn't believe he had gone anywhere; he said yes he had; that he had found out from his wife; he says he was very intimate with her, and knew all about this business; that he was actually gone. Lewis told me that—that Fulton was not in town; that he was here on
33 Sunday; he said he saw him at a distance, and he disappeared before he could find him or catch up; he saw him on Eleventh street, between Franklin and Christy avenues.

Q. You never were able to serve a subpoena on him?—A. No, sir.

Q. Now did you have any conversation with H. Barkus, who was also an employe in the interests of Mr. Sessinghaus, in this controversy?

Mr. POLLARD. I object to that, for the same reasons as given heretofore, and because of the voluntary statement made by counsel for the contestee that H. Barkus was ever employed by the contestant in this case.

WITNESS. I met Mr. Barkus in the Democratic convention.

By Mr. DONOVAN:

Q. He is a colored man?—A. Yes, sir; a dark man; a very dark man.

Q. What did he have to say to you in regard to it?

Mr. POLLARD. I again protest against this; the idea of putting all these questions; if there was ever a case in which a notary public was taking evidence where he should exercise the power of rejecting immaterial testimony, this is the case and the time to have it done. The idea of asking all these questions about what these men said. Why don't they put this man Barkus on the stand; and why don't they put
34 this man Fulton on the stand?

Mr. DONOVAN. Because we can't get them, we want them badly. If Mr. Barkus said anything to you, you can state it.

A. I don't know that it cuts a very great figure; Barkus did not say very much; he said he worked one and a half days for Mr. Sessinghaus; that he knew of some dirty work, but wouldn't tell me of any of it unless he was paid; he wanted good money; he didn't want no little sum; I asked him if he and J. T. Smith were on good terms; he said, "No, not exactly on good terms;" he spoke to him occasionally.

Q. Now, did you have any conversation with J. T. Smith, the clerk?

conspirator in this infamous work; if so, what did he say to you in regard to his confreeres?

Mr. POLLARD. I object to that question; and I desire in objecting to that, to make this point: That this contestee sees fit to brand the work done in this case by the contestant as infamous and as fraudulent; when he has not only brought witnesses on to the stand here who swore that they were employed by the contestant to assist in this case; who swore that they knew of no fraud or wrong having been perpetrated; and who swore that they did know, of their own knowledge, that none such was perpetrated; but he now brings another man on the witness stand to make him swear that his own witness told him something out on the street, in a casual conversation, and seeks to prove what Mr. Barkus said to him, instead of sending out a subpoena after him and finding him; having discovered that this witness knows nothing about Barkus, he now turns about and asks in regard to J. T. Smith, whom he has seen fit to brand as a conspirator; now he wants this very willing witness to testify about what each and every individual in this city has told him; what his opinions were about the method in which the contestant conducted his case.

By Mr. DONOVAN:

Q. What did this chief conspirator tell you in regard to this case?—

A. I had a conversation with him while I was canvassing right by his house; I went to look for man named George Higdon, who was said to live on Carr street, 1115; that being Smith's number, I met Smith at the door; I told Smith what I was doing; he said yes, he had got notice that I was to be a witness on the Frost side; then he began to abuse Fulton and Lewis; he began to call them all kinds of names; said they were traitors, and one thing and another; he said he thought that as far as I was concerned that I was all right; that I didn't work on both sides of the case; that I waited until the Sessinghaus side got through with their testimony, and then went to work for Frost; he said that he had something to say to me; that he didn't know but what he could say something to me that would be agreeable to me; he wanted me to come back about four o'clock that day; I told him I would very probably get back about that time; I did not intend to go back; I just simply told him that to get rid of him. But he was abusing these men for working on both sides of the concern; he had nothing to say against me, because I had done the fair thing, as he said; he said he was going to prosecute Fulton and Lewis in the courts, and he was not going to trust them any more.

Q. They skipped, did they?—A. Yes, sir.

Mr. POLLARD. There is no proof of anything of the kind.

By Mr. DONOVAN:

Q. That is the reason he cursed them for giving away the information they had in regard to the wickedness of their work?—A. Well, he didn't say that was the reason that he cursed them, but he simply said that they were traitors, and called them all kinds of names; that he wouldn't trust them any more.

By Mr. POLLARD:

Q. Weren't they traitors?—A. Well, I don't know whether they were traitors or not; as far as their testimony is concerned I don't know anything about it—about either of them.

By Mr. DONOVAN:

Q. They met with a change of heart and were disposed to give what they knew?—A. Yes, sir; and reluctantly, too.

Q. Do you know whether one principal part of this drilling was by Smith or Jones, or did you obtain any information in regard to that?—A. No, sir; I obtained no information where this drilling was done; all the information I got about this drilling was from the

37 Fulton—Ed. Fulton; he told me that he went up to meet me several times at his house, and found him, instead, at King's store, across the street—a grocery store in front and a livery stable in the rear; he said that he always found five or six men talking with Smith; that is about all I learned about the drilling and where it was done.

Q. Do you know what Lewis is doing now?

WITNESS. Lewis?

COUNSEL. Yes.

A. Yes, sir; I do.

Q. Do you know what Smith is doing?—A. No, sir.

Q. Do you know whether he is not still inducing witnesses to have it in their power to hurt him, not to come here; to prevent him from coming here and giving away his rascality?—A. I don't know.

Q. He tried to keep you from coming here?—A. He asked me to come to his place at 4 o'clock, that he might say something to me, might throw something in my way, but I had no intention of going.

Q. But he wanted to make it to your advantage to keep away from this office?—A. I didn't pay much attention to it; I think that I promised to come back simply to get rid of him.

Q. Is that Mr. Fulton's handwriting?

38 Mr. POLLARD. I object to that question; it has nothing to do with this case, and besides it has not been submitted to us, because the witness is not competent or qualified as an expert to write in any other manner recognized by or known to law authorities to testify.

WITNESS. I can testify to this fact, sir; I know it is a fact, and that Mr. Fulton showed me this paper; they were three at first, but they took them to pieces, and took them to Mr. Donovan, saying that it was in his handwriting.

By Mr. DONOVAN:

Q. He told that to you?—A. Yes, sir; I seen him get it. I went to your house with him, and seen him deliver it to you.

Q. Well, now, his report says that a number of men said that they lived at 1004 North Seventh street, and so testified on the stand; he testified that they never lived there, and their names are Johnson, Joseph Smith, George Harris, and William Williams; further reports that Dan Sullivan would be a witness to the fact that these men never did live there, although they swore that they were refused registration on Fifth and Carr streets. He further reported that witnesses who had testified that they lived at 1018 and 1020 North Seventh street, which is a house of prostitution, did not live there; their names were Charles Greenlow, Jackson Jones, Ike Charles Williams, William A. Wallace, George Thomas, and John Cheatham; and further reported that Anthony Williams, the keeper of the bagnio, would testify to that effect—that these men never lived there, although they swore they were refused registra-

39 Fifth and Carr streets, which is in that immediate vicinity. He further reported that at 1022 North Seventh street Henry Terrell, Henry Evans, John E. Scott never lived there, although they swore they did, and were refused registration at Fifth and Carr streets; and he further reported that Edward Johnson never lived at 1128 North Eighth street, where he swore he lived; that Harrison H. Franklin never lived at 1134 North Eighth street, where he swore he lived; he further reported that John Rodgers lives at 1122 North Eighth street, and that somebody assumed his name and his residence, went upon the stand and swore that he was refused the privilege of voting for Sessinghaus, when in truth and fact John Rodgers himself never was upon the stand. He further reports that John Williams did not live on election day at 1122 North Eighth street, nor did William Robertson live at 1231 North Eighth street; is not this Fulton's report to me?—A. Yes, sir; that is the report he showed me.

Mr. POLLARD. I object to the question. I think probably I ought to be permitted to make it before the witness answers. I will state in my objection that all this question containing those twenty or thirty names, and containing those various residences, was read by the counsel for the contestee, and at the end thereof he asked this witness not in regard to the truthfulness of the alleged report, but whether or not this was not the report, and the witness answered wholly "Yes," before the counsel for the contestant could be permitted to make an
40 objection it. That testimony demonstrates what kind of a witness the gentleman has now upon the stand. I object to the testimony, simply because it is incompetent, irrelevant, and immaterial.

Mr. DONOVAN. And the counsel for the contestee now invites Mr. Pollard to put in any further objection that he has got to make, and he will instruct the witness not to interrupt him in making his objections, if he sees fit to make any.

Mr. POLLARD. I don't desire to make any further objections, inasmuch as the witness has been so thoroughly drilled that he is ready and prepared to answer "Yes" to a question which covers five or six pages, and includes twenty or thirty names, and as many different residences, point blank, without a second's hesitation. If he is prepared to answer "Yes" to such a question, then it is useless to make any further objections.

By Mr. DONOVAN:

Q. Isn't that Mr. Fulton's written report to me, this witness that has been run off from me?—A. That is the report that Mr. Fulton showed me before we got to the car, when we were going to your house; and this is the report I saw him give to you; and I remember that report by seeing it.

Q. Is there any question but that this is his report to me?—A. No, sir, not to me; there is no question.

Q. You saw him hand it to me?—A. Yes, sir.

Q. As his report?

41 Q. Did he not further report that one Henry T. Markus, living in the alley between Eleventh and Twelfth streets and Carr and Biddle streets, would swear that he heard Smith's men advise witnesses what to swear to when they testified as witnesses for the contestant; is not that his report?—A. That is what I see, sir; I saw that in his hand.

Mr. POLLARD. If the gentleman will allow me, he crams long words down the throat of his willing witness, who answers, "Yes;" I will be

obliged to him if he will give me a half a chance to say a word orally; he has so elegantly instructed this witness to answer before opportunity is given to make an objection, that possibly it would be better to make no more attempt at it; and I will admit here, for the sake of expediting the case of the contestee, that he could write a report in full, including all the testimony which he hereafter expects to produce in this case, and it may be agreed that the witness will accept of "Yes" thereto.

By Mr. DONOVAN:

Q. Mr. Anderson, are you in any manner drilled by me in this case or have you been, or have I attempted any such thing; have you simply brought your information to me?—A. That is all, sir.

Q. Did he not further report to me that William Washington on Biddle street—that he investigated that, and there was no such person on the street?—A. That is what I seen on that paper, sir, which was handed to you.

42 Q. Did he not further report that no such person as Samuel Robinson lived at 909 Fourteenth street, although he was on the witness stand and swore he lived there?—A. That is his writing, sir.

Q. Did he not also report that one John Smith, another witness on the stand, did not live at 613 Wash street, where he swore he lived?—A. All of those things are there. All of those names that I see you reading over there, I read over before that gentleman handed it to you.

Q. He made also a report in regard to Thomas Williams, of Wash street, that he had not been living there, although on the stand he testified that he did; that is his report.—A. Yes, sir; that is right.

Q. The same in regard to Sam Robinson and William Burke, North Sixth street; and Thomas Wilkinson, 1005 North Sixth street, not that his report to me, that those men never lived there, although they swore on the stand that they did?—A. That is what I seen, sir, on that paper; I remember those names well that you call over.

Q. Did he not further make this report to me, that M. H. Lewis, 717 North Eleventh street, will swear that several witnesses were paid to swear falsely by Smith, and that they did swear falsely, and that he was present when they were on the stand; isn't this his report?—A. Yes, sir; and that is what he told me.

43 Q. That that was the truth?—A. Yes, sir; I attempted to correct him there where he says M. H. Lewis; I told him I knew it was M. W. Lewis; and that his name was M. W. Lewis; he forgot to correct it on that paper; he lives at 717 North Eleventh street.

Q. And he told you that this man would swear that witnesses were paid by Smith to swear falsely?—A. Yes, sir; that is what Mr. Frost said this man Lewis would swear.

Q. He told you this before this written report was handed to me?—A. He told me in regard to this last statement on this paper; he told me M. H. Lewis, and so I made efforts to correct him, and told him it was M. W. Lewis; he acknowledged that I was right, but I suppose he got to make the correction; he told me that M. W. Lewis would say that he had seen Smith pay witnesses to swear on behalf of the contestant in this case; he would go on to show how it was all done; this drilled testimony was all gotten; how they were gotten to swear falsely.

Q. And that he was present when they were on the stand?—A. Yes, sir; that is right.

At this point recess was taken until 2 p. m.

AFTER RECESS.

Cross-examination of Mr. ANDERSON by Mr. POLLARD:

Q. Where do you live, Mr. Anderson?—A. I live at 811 Christy avenue.

Is it 817 or 811?—A. 811; 817 is where I have been working for time.

Were you ever employed by Mr. Sessinghaus or any one of his, or in any interest of his in this contest?—A. No, sir.

And the matters which you have testified here about are simply solely what somebody told you?—A. That is right, I guess; what I elicited from canvassing for Mr. Frost.

Well, with the exception of these six men who have you testified to this morning as not residing at the places indicated to you, all the random which was given to you,—I say with the exception of that, testimony has been absolutely and wholly from what you heard, is it; and is it not one word from any knowledge—any personal knowledge which you have yourself; I say with the exception I have told you?—A. If I understand you right, sir, what I have been testifying here is what the individuals whom I have named here have told me with the exception of the persons that I say I found at the residences.

And you know nothing of your own knowledge, except what they told you, and anything you testified to, except as to those men, and as to their residences, you know nothing except what you were told?—A. I succeeded where people lived in the places those men, and as to where they swore they lived.

Q. Now, understand that question; all the testimony that you have given in this case, except that portion that concerned the residence of six men, is simply hearsay, is simply what some one told you; is it not?—A. Simply what the individuals told me themselves; yes,

And it is nothing within your own knowledge, is it?—A. O, I did not know any of it.

It is not within your own knowledge; you don't know whether they told you the truth, or whether they lied to you?—A. O, well, I don't take their word for it.

Do you know whether they told you the truth or not?—A. I can't say whether they did or not; make your questions plain and I will answer them; I don't intend to lie.

Then all you know of your own knowledge of the testimony which has been given here this morning is what you ascertained from diverse sundry parties concerning the residence of these men of whom you testified about?—A. I got that from the individuals themselves.

You don't know of your own knowledge; you don't know whether they are true or not?—A. I don't know whether they told me the truth or

Or whether they have been lying, or not?—A. I don't know.

What is your business, Mr. Anderson?—A. Since the fifteenth of last March I have been canvassing for Mr. Frost in this contest.

Q. Every day?—A. Every day; canvassing around.

Q. How often have you reported to Mr. Donovan during that time?—A. Well, I don't know how often I reported; I reported sometimes twice a day; sometimes once a day; once in two or three days; sometimes not over once in four days; according to the testimony that

Mr. Donovan stated here day before yesterday that you had aban-

doned him, and that you couldn't be found; that he didn't know where you were; that you had come to one of the parties for the contest for money; was that a fact?

WITNESS. That I had come of your parties?

COUNSEL. Yes; for money.

A. No, sir; I did not.

Q. Then it is not true that you at any time abandoned him or sought to abandon him or the employment of Mr. Frost in this matter, is it?—A. Well, I was not going to abandon it until he told me to quit; he had told me to quit, I would quit, sir.

Q. And the counsel was mistaken when he made those assertions?—A. I think that he was; yes, sir.

Q. You never sought employment from the contestant's side of the case—Mr. Sessinghaus's side—did you?—A. No, sir; I was sought.

Q. But you never went to Mr. Smith and told him you would like to be employed on the part of Mr. Sessinghaus, did you?—A. No, sir.

47 Q. You are sure of that; right sure?—A. Yes, sir; I never asked him for employment.

Q. And that is just as true as any part of the testimony that I have given here to-day?—A. Well, I should say it was, sir; Mr. Smith sought me, and I wrote him that I couldn't be employed, but sent a young man to him.

Q. When did you do all this canvassing concerning these six names which you have testified about here this morning?—A. Well, I don't know the dates; I have got no memorandum of the dates except the eighteenth here when I made my report.

Q. When did you commence this work for Mr. Donovan?—A. On the fifteenth.

Q. And you made this report on the eighteenth?—A. I made one report on the eighteenth.

Q. When were you employed by Mr. Donovan?—A. On the fifteenth.

Q. What time in the day?—A. I think it was about two or three o'clock.

Q. You didn't call on Mr. Donovan for this employment, did you?—A. Well, I think I went to Mr. Donovan's house, at the request of Mr. Fulton; he asked me to go out there.

Q. What business was yours—or what had it been up to that time?—A. Local editor of the National Tribune.

Q. Who is the proprietor of that paper?—A. James W. Wilson.

48 Q. How big a circulation has that paper?—A. Well, I might say, sir, that he has got a circulation for his paper of, at least, he publishes about one thousand copies every week.

Q. What is the politics of that paper?—A. The politics of that paper, I think, sir, is what Mr. Wilson makes it.

Q. What were the local politics of that paper when you were local editor of it?—A. I don't know that; I wrote everything that came along, Democratic matters and Republican matters; it made no difference to me; if there was anything for the insides of a political nature Mr. Wilson attended to that himself; I simply reported the facts as they occurred.

Q. When did you quit that paper?—A. On the fourteenth, I think.

Q. How long had you been at work for him?—A. Oh, about two or three years, off and on.

Q. Why did you quit him?—A. Because there was nothing in it; I couldn't sustain myself there; there was not money enough in it.

paper to pay me; I made that known to Mr. Wilson, as he already knew himself.

Q. Mr. Wilson is a colored man?—A. I think he is.

Q. And you are?—A. Yes, sir.

49 Q. How old are you?—A. I am going on twenty-two years of age, sir.

Q. What are your politics?—A. Well, I am a Republican.

Q. Vote the Republican ticket?—A. When I think I am justified in doing it.

Q. Did you vote the Republican ticket last Tuesday in this city?—

A. With the exception of Mr. Powers and Mr. Ewing.

Q. You voted for Mr. Overstolz purely upon patriotic principles?—

A. Yes, sir; because Mr. Ewing thought it was a sin for negroes to hold office; and I would vote for a dog before I would vote for Ewing.

Q. And that was the only reason?—A. Yes, sir.

Q. Mr. Overstolz never paid you anything for that, nor any of his men?—A. Oh, I worked on election day for Mr. Overstolz.

Q. For pay?—A. Yes, sir; I was paid in front of about forty men, sir.

Q. How much were you paid for your work on election day?—A. Ten dollars.

Q. How much pay have you received from Mr. Donovan, or from Mr. Frost, in this case?—A. I don't know exactly, sir, how much I have received; I haven't summed it up.

50 Q. Twenty dollars?—A. Well, I don't know that I have received that much; probably so; I haven't summed it up.

Q. How many times have you been paid?—A. Three or four times, sir.

Q. Which?

WITNESS. How?

Q. Which; three or four?—A. Well, I think probably about four times.

Q. How much were you paid each time?—A. Oh, sometimes a dollar and a half, three, four, or five dollars.

Q. And that is all you have received?—A. I said from a dollar and a half up to about five dollars, or six dollars; I don't remember what I did get now; I think I got six dollars once; I think that was the highest that I received.

Q. When did you get your last pay?—A. Thirty-first, I believe, sir.

Q. Thirty-first of March?—A. Yes, sir.

Q. Did you work every day since you were employed on the fifteenth day of last March until and including to-day for Mr. Denovan?—A. Yes, sir; I done some canvassing every day—what I would call work; I was not employed all the day at it; but I don't expect—I was not aware that I was working to-day.

Q. How much did he promise to pay you for this work?—A. A
51 dollar and a half a day; that is the lowest he has paid anybody, I presume.

Q. And the result of that canvassing was that you discovered that out of three or four hundred colored men who were witnesses in this case, that six of them didn't live at the numbers designated on the paper?—A. I think there is more than that, sir; I don't think Mr. Donovan asked me about all of them; I think there is more than that.

Q. How many did you testify about this morning?—A. I think I testified to about as many as you have got down there; I don't remember.

Q. You found that a man by the name of Laton Harris did reside at 1008 North Ninth street?—A. Yes, sir.

Q. Did you inquire for him at any other place?—A. I inquired there, sir.

Q. But at no other place except at 1008 and in the rear of? That is right.

Mr. DONOVAN. I don't want to let that statement of the contestant go unnoticed—that in which he states that it was between three and four hundred colored men on the stand as he asked the witness about three, not three hundred or four hundred colored men; and therefore I object to his endeavoring to put the case a statement so ambiguous.

52 Mr. POLLARD. The witness understood it nevertheless is now rather late to make that objection, I apprehend.

WITNESS. I thought it was a rather complicated question; but I thought it referred to three hundred or four hundred men who had been on the stand as witnesses.

By Mr. POLLARD:

Q. Now, where did you inquire for Laton Harris?—A. In the rear, sir.

Q. In the rear of what?—A. 1008.

Q. 1008 what?—A. Ninth street.

Q. Did you inquire anywhere else for him?—A. Yes, sir, in the rear door of 1008.

Q. Who did you see?—A. I seen a colored woman living there.

Q. What was her name?—A. I didn't ask her her name.

Q. Do you know her name?—A. No, sir; I asked her if Laton lived there, and she said no.

Q. Do you know the woman?—A. No, sir.

Q. Who else did you inquire of?—A. Right in the rear there it was a lady by the name of Mrs. Johnson that I asked in the rear.

53 Q. Who else?—A. That is all; she said she didn't know any body that lived there or around there by that name.

Q. What name did you ask for?—A. Laton Harris.

Q. A colored man?—A. Yes, sir.

Q. Did you take the trouble to inquire at 1018 North Ninth street?—A. No, sir.

Q. Do you know who resides at 1018 North Ninth street?—A. No, sir.

Q. Do you know why the counsel for the contestee gave you the address 1008 North Ninth street, instead of 1018 North Ninth street?

WITNESS. Do I know why he did it?

Mr. DONOVAN. The counsel for the contestee states that he asked the reason that the man said he resided at 1008, and swore to that, and not 1018, and he never mentioned a word about 1018; but no figure, because the man lives at neither place.

Mr. POLLARD. I did not ask the counsel for the contestee to state to the witness the answer, and to put the paper into his hands containing the answer to the question, I presume that the witness would necessarily be precisely like the counsel.

54 that Laton Harris, when he was on the stand, swore that he did not live at 1018. The fact is, Mr. Anderson, that Laton Harris, when on the stand, swore that he resided at 1018 North Ninth

now, I want to ask you whether you inquired there for him, or whether you know if he resided or now resides there?

Mr. DONOVAN. I object to that question, for the reason that it is a misstatement. Harris swore that he resided at that time at 1008 North Ninth street, and not at 1018; but he does not live at either place.

WITNESS. I inquired, sir, only at 1008 North Ninth street.

By Mr. POLLARD:

Q. Only at 1008?—A. Yes, sir; I inquired there for the purpose of finding whether he lived at that number; I did not find him there nor in rear on that number. I did not go to 1018 North Ninth street, because 1018 North Ninth street was not on my list; not this number—not the name of Laton Harris at that number.

Q. That is just what I thought. You didn't inquire for Sam. Scott at 118 North Eleventh street, did you, or anywhere near there, and you didn't elicit whether he ever did live there at 1118 North Eleventh street?

WITNESS. Is that the number I testified to this morning, sir?

COUNSEL. Don't you know the number you testified to this morning?

A. I inquired for Sam. Scott, as it is stated here; in my report it states it as 920 Carr street, and found no man there—no such number—simply because the 920 would be where the yard of the dispensary is; there is no house there; it is a dispensary, and the 920 would be right where the yard is.

Q. Now, I will suggest to you that when I ask you a question, you answer my question, and not make a speech on another topic, because I don't care to waste time that I know is very valuable, as well as the time of these other gentlemen here; we are not interested in your eloquent orations about extraneous matters; my question, I think, was, Did you inquire at 1118 North Eleventh street for Sam. Scott?—A. I did not.

Q. Did you inquire at 1208 North Thirteenth street for Dan. Hawkins, that being the place which he swore he resided in? Please examine your papers, all of them, and see what they contain.—A. Dan. Hawkins, you say, 1208 North Thirteenth street?

COUNSEL. Yes, that is my question.

A. I did not; I inquired at number—

COUNSEL. I would suggest to the counsel for the contestee that his questions to the witness had better appear in the record; these side remarks are not taken down by the notary.

Mr. DONOVAN. The gentleman's question is, Where did you inquire? Whether or not you inquired for him where he swore he lived, at 1008 North Thirteenth street, and what you ascertained?

A. I did inquire at 1008 North Thirteenth street for Daniel Hawkins, and did not find him there.

By Mr. POLLARD:

Q. Do you know where, when he was on the stand, he swore he resided?—A. I think from the list that he swore he resided at 1008 North Thirteenth street.

Q. You know that?—A. I think so from the list that I have here, sir; I did not hear the testimony of these men.

Q. Why, then, are you so willing to form an opinion?—A. Because I have the name on the list.

Q. How many did you find?—A. I found some, sir.

Q. How many men were on that list?—A. I don't know how many

there were; I have not summed them up to find how many were there; I simply stated the men that did not live where this they did live.

Q. How many men were on this list—were there three or five names on that list?—A. When Mr. Donovan handed me that list right in front of me, Mr. Donovan said that there was hundred and forty-five names on it. I didn't count them, they could not swear how many of them there were, any further than already stated.

Q. When did you have this conversation with Ed. Caldwell sides at 1121 North Twelfth street?—A. I don't know what day

Q. About how long ago?—A. About fifteen days ago, I presume.

Q. It is true, is it not, that you have not deceived Mr. Donovan, but you have faithfully worked for him in this case work, from the fifteenth day of March up until to-day have worked for him all the work that he has given me to do to-day.

Q. What other work besides this canvassing have you done?—A. Well, I don't know that I have done any other work than canvassing.

Q. Then you have worked for him twenty-three days, Sunday excepted, in making this canvass about which you have testified faithfully and diligently, and have earned your money—that which he promised to pay you?—A. Well, I should say I had earned it, sir, and it seemed to me at times that I ought to have earned it because I had to go through the snow and stuff; slop around in it and stuff. I met certain gentlemen who I had gone out to find had conversations with them, and they admitted to me exactly have down here on this paper; that is my testimony; I have that, and that is the truth.

Q. You mean when you say that this is the truth that the statements contained in that paper are true?—A. Yes, sir.

Q. To your own knowledge?—A. Yes, sir.

Q. Mr. Donovan instructed you to go to Mr. Smith, did he not?—A. No, sir.

Q. Who did he tell you to go to?—A. Mr. Donovan told me this list and told me to get all the information I could get, nothing but the truth.

Q. He told you to go and attempt to blackmail these men?—A. No, sir; he did not.

Q. He told you to go to certain men and get out of them all they possibly could, and then come on this stand and swear to it?—A. I told me to get their admissions. I presume Mr. Donovan directed whether I tell you exactly what he told me to do.

Mr. DONOVAN. No; you can tell exactly everything that passed between you and myself.

WITNESS. Mr. Donovan told me to get all the admissions I could from these men that worked for Mr. Sessinghaus, because he knew that there was a great deal of crooked work done, and he could probably get it out of them, and he wanted me to get it out of them and bring it to him, or up here.

By Mr. POLLARD:

Q. And you know that each of the statements which, at the moment ago, are contained in that paper, of the conversations had with them, that all these statements are facts?—A. They

statements here, sir; they are what I bring here of statements made to me. I do not say that they are facts, because I don't know whether these men are liars or truth-tellers. I don't know whether they lie for a living, or not.

Q. How many men, Anderson, did you approach and tell that they could, if they would, come over and work for Mr. Frost in this case; earn a big pile of money?—A. O, I don't know; I told one man by the name of Mr. Peck; I told him if he knew of any dirty work on the part of the contestant, Mr. Sessinghaus, he would, or could get as much a day as I was getting if he would come and work for it; that is what I told him.

Q. And you told some other men?—A. No, sir; not a big pile of money.

Q. You didn't go to any other men?—A. I told two or three men what I was getting; I never bargained with any of them. I left the question open for them. I told them they could get a dollar and a half a day. I remember telling Peck if he could come down and go to work to hunting up some of this dirty work he could get that money. He said he wanted five dollars, or else he wouldn't do it. Then, I presumed there was nothing more to be done with him. I had this conversation with him in the Democratic convention; he talked to me pretty freely. He said if he could find out that they would pay him five dollars or ten dollars, he would come.

Q. What other men did you go to and propose to buy up?—A. I didn't propose to buy any man up; I had no money to buy anybody, sir.

Q. Well, what other men did you approach in the same manner that you did this man Peck and one or two others that you have testified about?—A. I don't know; I believe there was a man by the name of Jones; a young man whom I asked if he wanted any work. He asked, "At what?" I told him that it was upon the Sessinghaus-Frost case. He said he had been working on that case for Mr. Sessinghaus. I told him he could get a dollar and a half a day if he would come down and help uncover this dirty work; that he could earn that money without much trouble. He said, "I will go and see about it, and I will meet you at twelve o'clock." I didn't see him any more; I didn't meet him any more.

Q. Now, what other men?—A. That is about all I know, sir; that is all I tried to get to work for Mr. Frost. I asked them for a purpose. I asked them to get into conversation with them so as to complete the work I was to do, which was to get the admission, of the men that were implicated in this drilling, &c., if they was implicated at all; to find out all they knew about this drilling going on, and who was implicated in it.

Q. What other men besides these did you start on with this great moral purpose of ventilating the wrong done in this case?—A. No other men.

Q. That is all?—A. That is all.

Q. And you never did seek any other men except the ones which you have named for the purpose of pumping them and getting admissions from them?—A. Oh, I pumped Ed. Caldwell; I pumped him.

Q. How much did you tell him he could get by coming here?—A. I told him that he couldn't get much money; that I didn't get much myself; I told him if he would come down and go on the stand that he would probably get as much as he made and probably more. He said he would come down and testify that he had sworn that he attempted to vote for Sessinghaus on election day; that

in so doing he had testified to a lie; that at the time of the election he was in Wisconsin. That is what he told me. I pumped that much out of him.

Q. Have you got through with your little speech?—A. I don't know whether it is a little speech or not; you can bet high on it.

Q. Now, please refresh your memory and see how many men—A. I am ready to stand by what I have told you.

Q. That is all—absolutely all?—A. Yes, sir; that is about right.

Q. Did you approach a man by the name of Rodgers that way?

WITNESS. What is his first name?

COUNSEL. Mr. Rodgers.

A. I don't know no man of that name.

Q. Did you not so approach him?—A. No, sir.

Q. You didn't go to Mr. Fulton to try to get anything out of him?

WITNESS. Mr. who?

COUNSEL. Mr. Fulton.

A. Ed. Fulton. I had no occasion to pump him; he told me every thing he knew—everything he knew in regard to working for Sessinghaus. He was working for Mr. Frost when he left Saint
62 Louis; that is, he was supposed to have been working for Mr. Frost. What I have told here about his admission, he stated to me without my soliciting him for any part of it.

Q. Did you ask him anything?—A. No, sir; he told me everything that he knew, positively, all that I testified to here, without my asking him a question.

Q. You didn't go to Mr. Lewis?

WITNESS. What Mr. Lewis; M. W.?

COUNSEL. Yes.

A. No, sir; he come after me; he hunted me in the saloon.

Q. You never got any information from him?—A. What is the use of asking me such a foolish question? I got all the information from him that I have produced here to-day; I didn't go after him at all.

Q. Well, now, how many more men—A. That is all. Lewis tried to pump: tried to get me; told me I was a fool for standing in my own light; told me of all the money he had made; says he, "You are a fool; Fulton and I have got a lot of money; he has got a lot to get out of the way. I know what side my bread is buttered on. I have seen Metcalfe; I have been in Metcalfe's office."

Q. Now, are you quite confident that you have given us the names of all these men that gave you information on the subject?—A. I am really confident.

Q. You don't want to go back on that again?—A. I never went back on it.

Q. You didn't go to Smith and ask him for anything?—A. No,
63 sir; I told you I went to Smith's house to look for a man by the name of Higdon, who had given that as his address. I met Smith there, of course, and he asked me what I was doing and I told him. Then he began to blackguard the men who had formerly worked for Sessinghaus but were now in the employ of Mr. Frost; he told me that he would like to meet me again that day, and asked me to come back there about four o'clock. I told him I would, simply to get rid of him. I had no intention of going back there; I never attempted to pump him; I never asked him a question.

Q. Didn't you testify this morning that you did?—A. No, sir.

Q. You are sure of that?—A. Yes, sir.

Q. And this part of your testimony is just as true as anything else

you have testified to this day?—A. Yes, sir; as far as I remember, that is exactly right; that is what he told me; I never asked him a question; he was talking about Lewis and Fulton, from which I inferred that he considered them two scoundrels, for working on both sides of the case.

Q. When did you write this memorandum of that conversation which you had? That conversation in which you inferred that he thought Lewis and Fulton scoundrels?—A. That is the same conversation to which I have testified all along; that is just simply one of the facts; I wrote that last night.

Q. You wrote it last night?—A. Yes, sir.

64 Q. When did you have that conversation?—A. I had it in my book before I copied it on that memorandum.

Q. When did you have that conversation is my question?—A. I don't remember what day it was.

Q. About how long ago?—A. Well, I don't know; it might possibly be fifteen days.

Q. When did you have this conversation with J. T. Smith?—A. Oh, here is my memorandum about Caldwell; I found him there at 1121 North Thirteenth street—

Q. What are you reading from?—A. From the report that I made here some time ago to Mr. Donovan; this conversation that I referred to.

Q. Did I ask you anything about Caldwell just at this time?—A. Oh, well, you was asking about the dates, and I just happen to see that I had my conversation with him about the same time that I had it with Smith; I can't give the exact dates.

Q. When did you have this conversation with J. T. Smith?—A. I don't remember the date of that either; I didn't make any memorandum of that conversation that I had with Smith.

Q. Didn't you say a moment ago that you had written it out last night?—A. No; I did not; or at any rate I was thinking of Caldwell when I made that statement.

Q. About how long ago was this conversation with Smith?

WITNESS. When was the convention—the Republican convention held, sir?

COUNSEL. I don't know, sir; I am not on the stand; my
65 testimony would not be received.

Mr. DONOVAN. The witness asked you in a respectful manner for information which would in no way trespass upon your duties to your clients to answer. It was asked in good faith for the purpose of answering your question touching the time of this conversation with Smith, and I think that inasmuch as the witness has preferred his request in a respectful manner, the information ought to be given, or at least be met in the same spirit.

By Mr. POLLARD:

Q. When did you have your conversation with J. T. Smith?—A. Well, I don't know what date it was.

Q. Was it this week?—A. I know it was not this week.

Q. Was it last week?—A. Well, I told you I don't know what date it was.

Q. What month was it in?—A. Well, it was not in this month.

Q. Was it in February?—A. I don't think it was in February; I was not employed to work in February; not in this case.

Q. What month was it in?—A. In March.

Q. It seems to be very difficult for you to answer the question. What

portion of March was it in?—A. About the middle of the month, sir.

66 Q. Between that and the twentieth?—A. I couldn't say that, because I don't know; I know that he was a delegate to the Republican convention—at least at the primary—the Republican primary; you can probably fix the date that way.

Q. Do you refuse to answer it?—A. I haven't refused to answer any question that I know of.

Q. You are just as certain that that was the date as you are of anything else you have testified here to-day? I would like to ask you why you hesitate and fail to answer my question as readily as you did those of Mr. Donovan?—A. Well, I tell you, sir, that I don't know. I have told you that a half dozen times, and you are just trying to worry me. I will answer every question that I know as readily as I did those of Mr. Donovan's; but if I don't know them I am not going to be positive about it; I don't propose to get on this witness-stand and lie; I could answer Mr. Donovan's questions readily, because I knew them readily; I knew too I was answering to nothing but the truth; but if I should answer your questions without studying them over I should probably make a mistake, which I suppose is what you want me to do.

Q. You were perfectly ready to answer "Yes" to a question of Mr. Donovan's, which covered over three pages, which was propounded to you this morning, and without a moment's hesitation, were you not?—

A. Yes, sir; that was the direct examination; that was not on cross-examination; you wouldn't expect me to answer a cross-examina-

67 tion—a question on cross-examination—readily, and then expect them all to corroborate with each other; I am no lawyer.

Q. Do you know, without any reference to that question which Mr. Donovan asked you concerning the report of Mr. Fulton, the names of the men mentioned in that question?—A. I have got a paper before me; I seen that paper more than once before Mr. Donovan saw it, sir; and read it more than once.

Q. Will you please answer my question?

WITNESS. Do I know without reference to the question?

Q. I will repeat it, inasmuch as you don't seem willing to answer without a repetition.

Mr. DONOVAN. This is the sheerest nonsense; this witness is ready to answer you any question that you ask, and you know it perfectly well, but you are trying to create some sort of an impression regarding this witness that does not exist; ask him a square, honest question, and he will answer it squarely, and stop beating about the bush.

Mr. POLLARD. I now object and protest against the counsel for contestee interrupting me in my question with his ill-manners and his loud voice. (To the witness.) I will now ask you again, inasmuch as it takes three questions to get an answer, whether or not you can without reference to that paper which Mr. Donovan read to you as a question this morning, give me the names on that paper and embodied in that question?—A.

Well, I don't think that I can give them all now, sir.

68 Q. Can you give me any of them?—A. I can give you some of them.

Q. I wish you would be pleased to do so.—A. Daniel Sullivan.

Q. His address?

Mr. DONOVAN. I simply asked this witness if that was the report of Mr. Fulton, and he didn't say that he knew anything about those men at all; he just simply said that that was Mr. Fulton's report; he didn't pretend to give anything about those names; this course would

never have become necessary if Fulton had not been caused to run away; had he been here he would have gone on the stand and sworn to this very report.

Mr. POLLARD. The counsel for the contestee appears to be very much excited about my question—the one I propounded to him; now, if the witness will please answer the question that has been repeated to him four times, I will be obliged.

WITNESS. You want me to swear that I can give you all the names?

Q. Can you give me any more than one?—A. Yes, sir; I cannot give you the address.

Q. In not one single one of them?—A. I don't believe that I can give you one address mentioned on the paper.

Q. Still you are ready, quite ready, so ready that you could answer before I had an opportunity to object, and swear on your oath that that was the exact report made by Mr. Fulton to Mr. Donovan, the counsel for the contestee in this case?—A. You never heard me say "exact report;" I said that was a report from him; I said that was Mr. Fulton's report; I didn't swear that it was a correct report; I don't presume that Mr. Donovan would put names on there that I didn't know; I was positive that he would not do it.

Q. And now you say that you cannot give the address of a single name of the long list of names read in that question, and are unable to give but a very few, if any more than one name?—A. Oh, I can give more than one name, sir; but as far as the address is concerned—

Q. How many more?—A. Oh, I can give you three or four more.

Q. The counsel for the contestee is now putting into your hand that report, is he not, which he read this morning?—A. Yes, sir; I think he is.

Q. When did Mr. Donovan ask you to reduce your testimony to writing?—A. Thirty-first, sir; the day that I came down here; I am not positive.

Q. And you did do it last night.—A. Yes, sir.

Q. When did you have this conversation with Mr. Fulton, which you have testified about to-day?—A. Oh, I said I had had more than one conversation; I don't know at what dates. I had more than one conversation; the day in which he said he was going to see Mr. Wisiehausy was on Monday, I think.

70 Q. Last Monday?—A. No, not last Monday, before that.

Q. What month was that in?—A. It was in March, sir, I think.

Q. What part of March?—A. In the latter part of it, I think.

Q. More than a week ago?—A. If it was in March, it was certainly more than a week ago.

Q. And you reduced his conversation to writing last night?—A. Yes, sir; I reduced his conversation to writing.

Q. When did you have this conversation with Lewis, which you have reduced to writing?—A. I had one conversation with Lewis on yesterday.

Q. Is that the one you reduced to writing?—A. I put down there every conversation that I had had with him. I said at the time I was giving my testimony, that it comprised more than one conversation; that I had had conversations with him two or three different times.

Q. When was the first one that you had with him?—A. I think it was the day that he left.

Q. The day that Lewis left?—A. Not Lewis, but Fulton; the day that Mr. Fulton left.

Q. And you can't fix that day any way nearer than by saying it was

somewhere between the fifteenth and thirty-first of March ?—A. It is somewhere between the twentieth and thirty-first of March ; in the latter part of March.

71 Q. And that conversation was reduced to writing last night, and to-day is the eighth of April, is it not ?—A. I think to-day is the eighth of April ; yes, sir.

Q. Did you see Mr. Lewis the day he testified here in this room on behalf of the contestee ?—A. Yes, sir.

Q. Did you have any conversation with him that day ?—A. Oh, yes, sir.

Q. Did you hear his testimony here on the witness stand ?—A. Very little of it, sir.

Q. Where is Lewis now ?—A. He is in the office of Hannibal C. Carter.

Q. And who is Hannibal C. Carter, pray ?—A. A colored man.

Q. Where is his office ?—A. On Clark avenue, right across the street from the four courts.

Q. What is his business ?—A. He is employing wood-choppers for the Rio Grande Railroad.

Q. You had some portion of that conversation with Mr. Lewis in a saloon, I believe you said ; what saloon was that ?—A. I didn't say that I had a conversation with him in a saloon ; I said he came after me ; that he met me in a saloon.

Q. Where was that saloon ?—A. It was Reuben Armstrong's saloon.

Q. Mr. Reuben Armstrong is one of the principal strikers for Mr. Frost in this case, isn't he ?—A. I don't think he is, sir.

72 Q. You haven't seen him here, hanging around here every day ?—A. No, sir ; I haven't seen him around here every day, because I haven't been here myself.

Q. You have been in attendance every day during the taking of testimony, haven't you ?—A. No, sir ; I have not ; I have been here now several days, but have not seen him.

Q. Haven't you been in this place when we were taking testimony—with Mr. Armstrong here—six or seven times ?—A. No, sir I haven't been here six or seven times when testimony was being given.

Q. Do you know Mr. Armstrong ?—A. O, yes, sir.

Q. He is a saloon-keeper, is he ?—A. Yes, sir.

Q. Do you know Mr. Jesse Woods ?—A. I am slightly acquainted with him.

Q. What is his business ?—A. Well, to tell you the truth, I don't know what his business is.

Q. Where does he stay ?—A. I couldn't say where he stays ; I think he lives on Eleventh street ; but I don't know where he stays.

Q. Is he a saloon keeper ?—A. I don't know that he is ; if he owns a saloon he is probably a saloon keeper ; but I don't know that ; I have heard that he had a saloon down on the river somewhere, but I don't know where it is ; I don't know whether he has any saloon here, never having been intimate with him.

73 Q. Were you not intimate with him ; why are you not intimate with him ?—A. Because I am not familiarly acquainted with him.

Q. He is a nice man, is he not ?—A. I think he is, sir.

Q. Worthy of all confidence ?—A. Well, I should say that I think he was, not knowing anything to the contrary, sir, in regard to Woods.

Q. You say that this man whom Lewis told you had threatened him, was a big, burly Irishman ?—A. Yes, sir ; he was a burly Irishman ; he wasn't so very big.

Q. One with a bluespot on the nose, and a blue spot under his eye?—
A. He was not so big, sir; he is burly; he is an ugly fellow; he looks wild enough to scare the life out of anybody; that is the man Lewis told me—he pointed him out to me—had frightened him, and gave him his name as J. T. Smith.

Q. Who gave that name?—A. Lewis said this man gave the name.

Q. Of J. T. Smith?—A. Yes, sir.

Q. Did you ever see the man before?—A. No, sir; I never had seen the man before.

Q. And never have seen him since?—A. Yes, sir I have seen him since often; met him on election day, I told you.

Q. Where did you see him on election day?—A. On the corner of Eighth and Christy avenue.

74 Q. Was he a Democrat with you that day, aiding in the election of Mr. Overstolz?—A. No, sir; I had nothing to do with that man, sir.

Q. You are not afraid of him?—A. I dare say I was not afraid of him; I aint afraid of anybody; still I would not like to get in an altercation with him; his face would scare most anybody; he is a very ugly man.

Q. When did Mr. Fulton leave this city?—A. Well, I think he left on Monday, the day I have repeatedly told you; I don't remember what day of the month it was; I think it was on Monday, that was the day of the week; I think I went up town with a subpoena in my pocket for Mr. Fulton—with the intencion to deliver the subpoena to him, but I couldn't find him.

Q. When did you first make his acquaintance?

WITNESS. Whose; Fulton's?

COUNSEL. Yes.

A. O, I have known Mr. Fulton some four or five or six months.

Q. What is his business?—A. He is not doing any business here, sir.

Q. Is he a colored man?—A. Well, I should say that he was a colored man; he associates with colored men, although some thinks he looks very much like a white man; I never had any dealing with him, only in this case—this Frost contest.

Q. He was, then, employed by Mr. Frost?—A. By Mr. Donovan, I think, sir.

75 Q. As well as yourself?—A. Yes, sir.

Q. And was associated with you in this work?—A. In this work; yes, sir.

Q. And Fulton told you that he could do his work in half an hour each day, but you must work to earn your money?—A. Yes, sir.

Q. How much was Fulton paid?—A. Mr. Fulton told me one day that he was getting a dollar a day, and it was not long after that that he told me he was getting a dollar and a half a day. I don't know why it was that he told me that; and again it was not long after that that he told me he was getting two dollars a day.

Q. So you are unable to say how much he was getting?—A. I am unable to say definitely how much he was getting a day.

Q. Do you know where Mr. Fulton is?—A. No, sir; I don't know.

Q. You say that you saw him last Sunday?—A. No, sir; I didn't say that.

Q. Well, you said either you or somebody else saw him?—A. I told you that Mr. Lewis said he had seen him last Sunday.

Q. Did he tell you where he saw him?—A. He told me he was right

opposite his room on Eleventh street, which is somewhere between Christy avenue and Morgan street. He said he was walking very rapidly. He run out of his house to meet him, but when he got there he had disappeared when he got to the corner; that he did see his wife, who told him—he knew her—that the man was actually in the city on Sunday and left right away. Mr. Lewis told me that Fulton was in Little Rock; I don't know whether he is there or not.

Q. When did he tell you that?—A. Lewis told me that three or four days ago.

Q. Since last Sunday?—A. O, yes; he told me there on Monday—yes, he told me that two or three times, that Fulton was in Little Rock, Ark.; that he knew that he was there. I told him I didn't believe he was out of the city; he says, "You are mistaken, because Fulton is in Little Rock, Ark. I know that he is there."

Q. When did you have this conversation with Barkus?—A. The day of the Democratic convention; right in the convention, sir.

Q. That was last Monday?—A. The day of the Democratic convention.

Q. Well, it was some week ago?—A. Yes, sir; I had a conversation with him then.

Q. About a week ago was it?—A. I think it was nearly a week ago.

Q. Have you had any conversation with him since that day?—A. I think I met him one day this week; I didn't have much of a chat with him, though.

Q. The conversation that you wrote down last night, which you have testified to as having had with him, was one that you had had with him on the day of the Democratic convention and it was in that convention that that conversation occurred?—A. We was all seated in the convention; that was the conversation.

Q. That was a week ago last Tuesday?—A. I guess it was that time; O, no, not a week ago; it was a week ago last Monday.

Q. You are a man who wouldn't under any circumstances deviate from the truth?—A. Well, I don't think I would willingly tell a lie.

Q. A man of pure principles, as you stated this morning?—A. Too pure to work on both sides of the same contest.

Q. And wouldn't, therefore, for a consideration swerve one jot or tittle from the truth?—A. No, I don't believe I would swear to a lie for money, sir, if that is the consideration that you refer to; I might swear to a lie to save my life, or my grandmother's life.

Q. Where is this man Barkus now?—A. I don't know where he could be found, unless he can be found at his residence.

Q. What is his business?—A. He don't do anything; he lives in the city.

Q. Has he gone out of the city, to your knowledge?—A. I don't think he has.

Q. And this man J. T. Smith is likewise in the city, is he not?—A. I think he is; I don't say they are here now; they may have left here this morning; I think they are here; I haven't any information that they have gone or left the city at all.

Q. And whether or not this report of Fulton's is correct or true, you don't know, do you?—A. I haven't testified that I knew it was true—that the report of Fulton was true, have I?

Q. Will you please answer my question?—A. I don't know whether this report—I know that this report is Mr. Fulton's.

Q. And that is all you know about it?—A. I know that he handed me this report to read before he took it to Mr. Donovan.

Q. Why and how do you know this to be Mr. Fulton's report?—A. Because I seen it before.

Q. But you have testified here to me that you couldn't tell but three or four names out of all the names that are mentioned in it, and that report is principally a list of names and addresses; how, then, can you say that you know this to be his report?—A. Because it must be an expert penman to copy Fulton's handwriting like that.

Q. Then you judge that it is his report because it seems to be in a handwriting similar to his?—A. I judge it is the right report because I have seen this report before, sir.

Q. But you have told me that you could not tell more than three or four names in that report without referring to the report; yet you are ready and willing, notwithstanding you are a man of pure principle, and wouldn't swear to a lie for any consideration of money, yet 79 you are ready and willing to come on this stand and swear point-blank that this is his report, notwithstanding there are from twenty-five to thirty names in it, and you cannot tell without looking at it, but three or four names; is that so?—A. I tell you that I would swear that this was Fulton's report, because I seen it before; aint that sufficient.

Q. And that is the only reason that you can swear to it?—A. Because I have seen it before Mr. Donovan got it.

Q. Is that the only reason that you can swear to it?—A. Because I seen it; I seen it before Mr. Donovan had it. Mr. Fulton showed it to me and said that was his report, and that he was going to give it to Mr. Donovan; before he showed me that report he told me that he was going to make such a report; he showed it to me about half past six o'clock.

Q. When?—A. I don't know what date.

Q. About how long ago?—A. I don't remember how long ago it was. I can give you some information in regard to the date. (Referring to papers.)

COUNSEL. That is what I want.

A. I will say this: that I think this report was made out between the fifteenth and twenty-first of March.

Q. And it was then given to Mr. Donovan, wasn't it?—A. I seen him hand it to Mr. Donovan.

Q. About when?—A. Between the fifteenth and the twenty-first.

80 Q. Of last March?—A. Yes, sir.

Q. Did you ever see that report from that day to this?—A. No, sir; I never seen that report; here is something in this report that I never noticed, and I am not going to swear to for any consideration or nothing at all; I never seen these—these pencil marks on this report; it seems to be some kind of correction or other; I don't suppose that Mr. Donovan read them to me; but I never seen them.

Q. Did you look at that report this morning before you swore to it?—A. No, sir. I believe he did show it to me; yes, sir, he showed it to me; I just looked it over; he asked me, Is this Fulton's report? and I said yes.

Q. Without reading it thoroughly?—A. Yes, sir.

Q. Then as a matter of fact you never did see that report since the

twenty-first day of March?—A. I didn't say the twenty-first of March; I said between the fifteenth and twenty-first of March.

Q. I ask you again whether or not, as a matter of fact, you have seen that report to read it through since the twenty-first of March last March?—A. No, sir; I never seen it since. I suppose that is proper question.

Q. That is eighteen days ago; how many times did you read report while it was in Mr. Fulton's hands or possession?—A. I read it at two or three times; he put it at me two or three times; he mine and I read his.

Q. Did you read that report through very carefully, 81 than three or four times while it was in Mr. Fulton's possession?—A. No, sir; not more.

Q. But you did read it through carefully three or four times?—A. I said two or three times; I don't think I said three or four times did, I made a mistake. I wish you would go back there and correct (to the notary).

Q. Haven't you said to several men within the last three or four days—haven't you stated to several colored men that for a consideration you would throw up your job with Mr. Donovan?—A. O, no I told nobody that.

Q. Haven't you been to Mr. Smith, who has been employed by the contestant in this case, and offered for a very small consideration to go back on Mr. Donovan, and come in here and swear to anything would be suggested to you?—A. No, sir; I never have. And anybody says that is a blank liar. Anybody who says that I have been to anybody connected with the Sessinghaus side of this case, and offered services for money or other consideration is a liar.

Q. And a horse-thief?—A. I think they are.

Q. Didn't you come into this office and while these depositions were being taken a few days ago, and present a bill to Mr. Donovan for services, which he refused to pay, and didn't you then and there go out on the street and offer and try to sell out to any one 82 would employ you to work against Mr. Donovan?—A. Not of it, sir.

Q. Then you did not come here and present a bill to Mr. Donovan?—A. I did; you say he refused to pay me, didn't you?

Q. He paid you then and there, did he, when you presented the bill?—A. He gave me some money, and told me to come again.

Q. And you came again?—A. I did, and got my money.

Q. Didn't you, about the time the contestant commenced taking testimony in this case, go to two or three parties who had been employed by Mr. Sessinghaus, or his agents, to assist in this case, and offer to work for them for most any consideration, and when you were refused because you were so well known in this community, didn't you then go to that as soon as Mr. Frost commenced taking testimony you would even with them?—A. Not a bit of it; when the testimony was first being taken Mr. Wilson was requested by some one, I don't know who, to take some little notice of the contest in his paper; so Mr. Wilson came to me and told me he would like to have me take charge of the Tribune. Then I took my paper, sat down at a desk, and began to report the proceedings, and when the session was concluded, I went back to the office; then Mr. Smith talked to me about working for him, of course, I couldn't work very much; that I didn't want to be bothered with this Sessinghaus case, because Mr. Wilson told me that any man was liable to get into trouble by fooling with such matters.

so I gave the thing no further consideration. Then a man came into the office by the name of J. T. Rinmo, perhaps it is T. W. no. I asked him if he would like to work; he said he was working, wanted to know how much of a job it was. I told him J. T. Smith looking for a man, and I thought it might be a show for him. I him that J. T. Smith was working for the Sessinghaus people, and I had grave reasons for not working for them. I told this last re- k to Smith when he was talking to me; and that I was obliged to his proposition no further consideration.

Q. Who is this man Rinmo or Raymo?—A. He is a whitewasher.

Q. Now, you had grave reasons for not working for Mr. Smith; what e they, please?—A. I don't know that I have any right to tell those sons.

Q. Do you refuse to answer?—A. If I did tell, I am afraid that I ht impeach your man Smith.

Q. Do you refuse to answer the question?—A. I refuse to answer that stion unless you insist.

Q. I do insist, and want to hear this now?—A. Simply because one of men who had been at work in Mr. Metcalfe's office gave me the infor- tion that this work would be full of trouble—to work for J. T. Smith; he did not want me to have anything to do with it or with J. T. ith; that he had been looking for me to warn me of this work—not work for J. T. Smith; that Smith was going to make use of us men to do pecular kinds of work; he told me the full particulars of it then, but I don't remember it very fully now. After that, then, I went for Mr. Wilson, and reported a session, and, of course, Metcalfe seen me write there. When I got back to the office I had first talk with J. T. Smith about working for him, and told him what ave already said.

Q. And those are the grave reasons and considerations?—A. Yes, ; because they might get me into trouble; I didn't know anything ut this matter, and then again I seen two or three men scared to th about it.

Q. Who are those men that were scared to death?—A. One of them M. W. Lewis. I told him yesterday that I had a subpoena in my ket for him, and he went out of the office in a hurry, and never came k to the office the whole day; I presume that he is scared; I just I had a subpoena to try him. That is one.

Q. Who are the others?—A. I don't know the others, except one or that I remember were scared.

Q. Who are they?—A. James T. Smith must have been scared the he was following M. W. Lewis around on the street; I heard him Lewis an insignificant puppy right in the street, and Lewis told me ith wouldn't call him all those names if it wasn't that he, Smith, was aid Lewis would tell on him. I told Lewis to get a revolver if he s afraid of the man. That is all I know, sir, about being scared.

Q. You inferred that Mr. Smith was scared to death because on the street he called Lewis an insignificant puppy, and other terms of endearment?—A. To keep him off the stand; that was only reason; tried to bluff him.

Q. And you inferred, then, that he was scared to death?—A. I in- red that he was scared to death because he was all excited and dis- bed, and you know he is all smiles mostly.

Q. Who are the others of this long list of people who seemed to be red to death?—A. I told you that was all.

Q. Well, now, have you any other interesting information that you

desire to impart?—A. I am answering your questions; I am very tired and would be very much obliged to get off this stand and get dinner.

Q. Did Mr. Fulton tell you that he received one hundred dollars from Mr. Donovan to leave this town?—A. Why, no, sir; he did not.

Q. How much did he say he received for that purpose?—A. I didn't say that he received any money from Mr. Donovan to leave town; I never heard him say that he received any from Mr. Donovan.

Q. When you made this investigation of these one hundred and fifty men on that list which you received from Mr. Donovan, when you were finally able to come here and swear to six of them; that they did live at the places designated on that list; didn't you, in each and every instance where you found any colored men from whom you could threats or by purchase get them, endeavor to get them to come

86 here and swear that they did not live at those places?—A.

In answer to your question I would have to begin at the commencement again. Mr. Donovan did not hand me a list of one hundred and forty names; the list was handed to me by Mr. Fulton and not by Mr. Donovan. I said there was less than one hundred and forty-five men. I didn't search for one hundred and forty-five men. I had, of course, to take that list to canvass it; but I only canvassed a fraction of it because Mr. Fulton had the management of it and he gave me different streets—Carr street, Eighth street, Ninth street, Tenth street, and also that way, sir. He took a part of them and gave another part to Lewis Now, as far as each and every man that I found did live there, that I tried to get him down here by fair means or foul to swear that he did live there I never asked a question of that kind; I just simply found him, and I had nothing more to do about him; if they got into conversation with me and told what they knew, why I listened to that. If I got to a house and found a woman there who said, "That is my husband's name; he is not at home now; he is on the river," I made no further investigation; simply wrote it down in my book—in my report and you will find it so in my report. There is the case of Pat Johnson; you will find that on my report (handing report to counsel for contestant).

Q. How large a fraction of the one hundred and forty-five did you try?—A. I do not know how much; probably about twenty-five or thirty.

87 Q. How many did Lewis have?—A. I don't know; I didn't keep any record of how many Lewis has. I attended simply to my own work, and canvassed them; one particular point in that when I met Mr. Fulton, I think it was the Tuesday I went out to Mr. Donovan's house, I met Mr. Fulton there, and he told me to go on the corner of Ninth and Christy avenue; I went up there and had a talk with him; then—this talk that I refer to was out at Mr. Donovan's house—then Mr. Donovan told me that Mr. Fulton had got a list that I had to take and canvass. So on Wednesday morning I met Mr. Fulton, and saw Lewis with him, and that Lewis was working with him.

Q. Well, to cut a long and tedious explanation short, you got about one-fifth part of that number of names, did you?—A. I guess about one-fourth; probably one-fourth. I don't believe that they done a more work than me; I think probably I got one-third; I didn't cut them up; I never have counted them up—the number of men I did find at the places where they were said to live; I simply made a record

of them and gave them to Mr. Donovan. He can count them if he wants to.

Q. How many times did you go to Mr. Donovan's house?—A. I don't know.

Q. Several?—A. Yes.

Q. And found Mr. Fulton there several times?—A. No; most of the time I went there with Fulton.

Q. And with Lewis several times?—A. I never seen Lewis in Mr. Donovan's house in my life.

88 Q. Never did?—A. Never did.

Q. Never saw him in his office?—A. Yes, sir; I couldn't say that I didn't see him in his office; but I never saw Lewis in Mr. Donovan's house. I never saw him there in my life, sir.

Q. You say you never did approach Mr. Metcalfe for any money in this case?—A. I don't know that I have said anything about that in this testimony; but it is true nevertheless; I really did not; I surely did not; I positively did not.

Q. Notwithstanding the fact that Mr. Donovan asserts that you did?—A. Well, it may be; I never heard Mr. Donovan say that, and I am not going to believe it until he tells me that he said that.

Q. You are prepared, are you not, to disbelieve any assertion that any man makes who is a Republican, but you are ready and willing to believe everything that a Democrat states?—A. Well, I don't know. I suppose Republicans can tell the truth as well as Democrats. If I thought you told the truth I would believe you; I would believe even that statement that you just made about Mr. Donovan, if I thought it was true; but I don't believe Mr. Donovan ever said that; and until he tells me, I won't believe it. I never heard him say that I went to Metcalfe's office; I have only heard you say that Mr. Donovan said so.

Q. You were not here when Mr. Donovan charged Mr. Metcalfe 89 with having got you into his office with Lewis, and tried to hire you?—A. I heard him state right now that he didn't mention me.

Q. You didn't hear him say that in the first instance?

Mr. DONOVAN. No, sir; the counsel heard me say that Mr. Metcalfe was solid with Lewis, and got him away.

Mr. POLLARD. I object to the instruction of the witness on the part of the counsel for the contestee.

WITNESS. Here is what I understood: that Mr. Donovan said that some one had told him that Anderson and Lewis was in Metcalfe's office; now, there is no use to ask me who told you this or who told you that; that is what I understood; I don't remember who it was that told me, nor where I got the impression.

Q. And that was all you heard he had said?—A. I told you that that was all I heard of it.

By Mr. DONOVAN:

Q. That Lewis was solid with Metcalfe?—A. Yes, sir.

By Mr. POLLARD:

Q. Which statement in regard to yourself was not true?—A. It was not true, sir. I never was in Mr. Metcalfe's office to see him personally in my life.

By Mr. DONOVAN:

Q. To see him about yourself or Lewis?—A. I don't know anything about Mr. Lewis going up there, as far as that is concerned, I

90 never in my life expected to see either of these gentlemen for purpose of making a traitor of myself, or anything like it.

By Mr. POLLARD :

Q. Did you not expect that Lewis was going to act the traitor what he told you—when he told you he was employed on behalf contestant?—A. No, sir; I did not, until J. T. Smith took that; that Lewis was carrying water on both shoulders; that he had worked for Mr. Sessinghaus, and received his pay, and now I was working for Frost against the man who first employed and paid him. He said that Lewis was circulating the report that Metcalfe had hired him, and he knew that to be a lie.

Q. When was all this?—A. I don't remember the date; it was some time last month.

Q. How many conversations did you have with Mr. Smith?—A. I had one or two conversations with Smith; not more than that. I had a conversation with him in a buggy the other evening, nothing in regard to this case, sir; it had no relation to this case.

By Mr. DONOVAN :

Q. I never gave you a hundred and forty-five names to canvass?—A. No, sir.

Mr. POLLARD. I object to that as leading, and not proper in examination.

By Mr. DONOVAN :

Q. You canvassed about thirty or forty of them?—A. I cannot say the number that Mr. Fulton gave me to canvass; I don't know many that is.

91 By Mr. DONOVAN :

Q. It might be forty, and it might be twenty?

Mr. POLLARD. I object to that as leading.

WITNESS. Oh, I am positive it is more than twenty; I am positive that, because I know I had that many; I am positive it is more than twenty.

By Mr. DONOVAN :

Q. Was it in front of Reub. Armstrong's place that Lewis told you that he could tell things in relation to crooked work on the part of Sessinghaus canvassers—things that would startle everybody?

Mr. POLLARD. I object to that, because it is some more of that style of examination indulged in by this counsel; I object to it for the reason that the counsel for the contestee in reading this question is reading it from a report which is so voluminous, and which has been put in evidence, having been read by the witness himself. I further object to it, because the witness is willing to answer to every question propounded to him by the contestee's counsel.

By Mr. DONOVAN :

Q. Where was it that Lewis told you that he could tell of crooked work on the part of the canvassers for Mr. Sessinghaus?—A. It was in the presence of Reub. Armstrong, and right in front of his saloon.

92 Q. Was it in the same place that he told you that this man gave witnesses precincts and places of residence to such that they lived at such and such a place, and that they were tempted to vote from such place?—A. It was in front;

Mr. Reub. Armstrong's place, and in the presence of Mr. Reub. ; we were standing there when this man—what's his name—had followed us three or four squares; that Lewis told me in the office of Reub. Armstrong that J. T. Smith had given certain precincts, and instructions how to testify in regard to having to vote from them.

Where did he say he had got them from?—A. Indiscriminately—from Mr. Sessinghaus.

LARD. I object to that question and answer, because the witness is reading his answers from this report, and the counsel is on ground that has been gone over by him in chief, and by my cross-examination.

S. I had a talk with him but a day or two ago in J. Milton's office—Hannibal Carter's office; he is employed there. At the time he said that he had acted very indiscreetly for Mr. Sessinghaus, at firm's name is Carter & Turner.

Mr. DONOVAN:

Where did he tell you that he was warned by threats of white wash his mouth shut in regard to the manner in which this Sessinghaus testimony was worked up?—A. That was in Reuben Armistead's place—in his place; I was standing there when he came rushing in seeing me there talking with a gentleman, he called me out and took me outside, pointed out this man, and says, "Do you know those men there?" I says, "No; I don't know them." He says, "You had better be careful; they are following us; one of them is in my room, and said the best thing for him (Lewis) to do, was to keep his mouth shut, because there was going to be somebody's testimony in this Sessinghaus-Frost contest." I just told him to go right out and ask them what they wanted. I finally went over to the place where this man Flaherty says, "Yes; that is the man I saw

where were these plugs standing; what were they doing?—A. They were standing on the corner there watching us; they were looking at us. Suppose they had seen me since half past seven that morning. Have you ever seen those men up there before?—A. No, sir; not out of the city.

Where did they tell you anything about who had sent them there to scare witnesses?—A. No; they didn't say who sent them there; but he acknowledged to me that he was working for Mr. Sessinghaus.

Flaherty was that ex-policeman?—A. Yes, sir.

What was his big buffer?—A. Yes, sir; that Flaherty.

Where was the man with the blue spot under his eye about there?—A. He was there; he is the man that Lewis pointed out as the man who had come to his room and warned him of danger.

Would Lewis come down and give away these secrets?—A. If he testified in the Frost side of the case.

Mr. POLLARD. It would be much shorter if the witness would answer yes.

Mr. DONOVAN. Don't get worried, Mr. Pollard. (To the witness.) When did Fulton tell you that a good deal of slick work had been done as part of the Sessinghaus canvassers?

LARD. I object to that question. I will again state my objection. The gentleman himself admits that this is an incompetent and illegal method of getting testimony, and now with all the sin-

cerity he is capable of he insists upon injecting it into this testimony. He has been all over this once, and now he wants to go over it again to try to impress it upon the mind of this committee, who will hear this case, that is a fact that these things did occur.

By Mr. DONOVAN:

Q. When was it that Mr. Fulton told you that there was a deal of slick work done on the part of the Sessinghaus canvassers, and the reason he ceased to work for them was because they wanted him to do work that was too dirty for him to do?—A. That was when I met Fulton on the corner of Ninth and Christy avenue, when he told me that should go and see Mr. Donovan.

Q. That he had quit work for Sessinghaus because they requested him to do a thing that no man, white or black, should do?—A. He told me there was a great deal of slick work going on and he quit because he done dirty work enough, and he didn't intend to do any more; that was the reason he gave me for quitting Sessinghaus's employ.

Q. When did he inform you that J. T. Smith had done this drilling and that he had seen him do it?—A. Well, I think that was in the same conversation that we had there. It lasted about half an hour or so.

Q. Was it in that same conversation that he told you he need not look for crooked witnesses, because he himself could locate the most of them?—A. No, sir.

Mr. POLLARD. I object to the question, because it is leading, and cause it is improper on the re-examination after the cross examination of a witness to go into this matter. It is incompetent testimony in that it is not the best testimony. Let them bring the witnesses themselves to testify, and not get in this hearsay testimony.

By Mr. DONOVAN:

Q. When was that?—A. That was in the car; we had a conversation in a car about three or four days after I was employed.

Q. When was it that he told you that if Frost could succeed in getting him on the stand there would be "hell" against the Sessinghaus side of the case?—A. That was the Monday that he disappeared.

96 Q. Was it in the same conversation that he told you that if Sessinghaus would pay enough that he would skip?

Mr. POLLARD. I object to that. I observe that this gentleman has brought in a report, a voluminous paper, and seemingly for no other purpose than rehearsing it in the testimony as he has already done and for that reason and that reason alone is he going over it to make this political capital out of it.

A. That was the same day, and almost in the same breath; he told me he was going to see Mr. Wieseheausy.

By Mr. DONOVAN:

Q. Is that the gentleman with specs on sitting by Mr. Metcalfe?—A. If that is Mr. Wieseheausy, yes, sir.

Q. What did he say in regard to Wiesehealm promising to fix the thing with him?—A. He told me that Wieseheousey told him to come back at one o'clock. Mr. Fulton was very jubilant at that time. He was fully elevated, and I never seen him thereafter.

Q. He was going back to see Wiesehealm and have the thing fixed?—A. Yes, sir.

Q. And then the skipping was done?—A. Yes, sir.

Q. What did Smith say about Fulton and Lewis that were acting in behalf of the Sessinghaus side at the start?

Mr. POLLARD. I object to the question, because it has already been answered, and because the only reason which the gentleman can have for getting his witness to go over it now is that his newspaper was not represented this morning when he examined his mess-in-chief.

Mr. DONOVAN. It is not the newspaper that is trying this case. (To witness.) What did he say in regard to Fulton and Lewis, his conspirators and instruments?

A. He simply went over their names and gave them a tongue-lash; called them all possible names.

Q. And all because he feared they had or would give away the work they had done for him?—A. Yes, sir; he said he would never employ any of them again, because they were traitors.

Q. There is honor even among thieves; there is a statement to that effect somewhere; he did not think these gentlemen ought to have come back on him and given away what they knew?—A. Well, that is the way I understood it; he was very sore about it.

Q. What efforts did he make to bribe you and keep you off this stand?—A. He told me that he could lay something in my way if I would come back there about four o'clock; he says, "You know I have always tried to do right;" I says, "That is so." He says, "You come back about four o'clock, and I will see if I can't lay something in your way."

Q. He knew that you were employed by me?—A. Oh, yes. He knew that I was working for you, because I told him; in fact he seen me with a list of names, and I asked him about George Higdon, who had given that as his address.

Q. That was one of the witnesses who testified in this cause and under his management?—A. Yes, sir; I desired to know whether the man was there or not; that being where he claimed to live.

Q. Is that one of the names that you went to inquire about?

Mr. POLLARD. I object to that question, because it is leading, and because it is not true that this man was a witness for the contestant; because the gentleman cannot get in competent testimony, he desires to put this record by making a splurge; I suggest to him now that he take the Bible, or some other good book and ask this witness whether it is not all that is contained between its leaves is not perfectly correct; one is no more relevant testimony in this case than the other.

By Mr. DONOVAN:

Q. When did you meet this man Edward Caldwell, who was a witness on the stand, and testified that he was refused the privilege of coming in for Sessinghaus on election day when, in fact, at that time he was in Minnesota?

Mr. POLLARD. I object to that question, because it is leading, and because it is not proper now to re-examine the witness on matters which have been fully gone over in chief, and in cross-examination, and the gentleman assents to my proposition that it is highly improper.

WITNESS. I met him at 1121 North Twelfth street—

Mr. POLLARD. I object to the counsel for the contestee telling the witness point-blank where he met him, in answer to his question, as he did do.

By Mr. DONOVAN:

Q. Did I know where you met the man, except what you stated here in your report?—A. No, sir; I didn't tell you where I met him.

Q. And the only information that I received in regard to this man was through you?—A. That is all my report; I met Ed. Caldwell at 1121 North Twelfth street, in the rear, upstairs.

Q. And what did he say to you?—A. He said that he had been down and testified in this case in behalf of Mr. Sessinghaus; that he was not here on the day of election; that he was in Wisconsin; that had he not been bulldozed by J. T. Smith and another man he would not have went down.

Q. He felt ashamed of the perjury he had committed?—A. He didn't seem to be ashamed of it, but said he would not have went down if they had not bulldozed him so; so he went along; I suppose they told him about the seventy-five cents, and he was a poor man and he wanted it.

By Mr. POLLARD:

Q. When was it that you met this man Caldwell at 1121 North Twelfth street, in the rear, upstairs? Please examine all the papers which you have about you and tell me from them, inasmuch as you don't know about it without reference to it?—A. Well, it was between 100 the 15th and 21st; I know that without reference to my papers.

Q. Of what month?—A. March.

Q. Did Mr. Ed. Caldwell tell you that he had perjured himself?—A. A. Mr. Ed. Caldwell told me what I have already told you he told me; he made use of those remarks; he told me that he had went down and testified that he was refused to vote, when in truth he was in Wisconsin on election day; that he was not in this city at all.

Q. Did he tell you what he had sworn to in the Sessinghaus case?—A. He told me that he testified that he was not allowed the privilege to vote.

Q. Will you please answer my question; did he tell you what he did swear to; did he or did he not tell you?—A. If he swore to that, why, he told me that.

Q. What else did he tell you he swore to?—A. That is all.

Q. Are you quite sure, now, that is all?—A. Yes, sir; I am quite sure that is all.

Q. Now, will you please repeat it again; what did he tell you he swore to?—A. He told me that he swore—that he went down and testified in the Sessinghaus contest, that he was not allowed the privilege of voting.

Q. Is that all?—A. And that he was in Wisconsin at the time.

101 Q. Did he tell you that he swore to that?—A. He says that he swore that he was not allowed the privilege of voting; that is all that he swore.

Q. Are you sure; every word?—A. Every word? There is no "every word" about it; I am no short hand writer; I didn't put down everything that he told me.

Q. Please recall now, by thought, by communion with yourself, whether that is all?—A. That would be spending time trying to refresh my memory; I can't remember every word he said to me.

Q. Now, isn't this the man who told you that he went down there and swore to several lies, and perjured himself?—A. O, no, sir; he didn't tell me that—that he swore to several lies.

Q. Did he tell you that he went down there and swore to any lie?—A. He told me—

Q. Please answer my question; did he tell you that he went down there and swore to any lie? Why can't you answer my questions with the same readiness that you answered Mr. Donovan's?

Mr. DONOVAN. Because you do all the talking yourself; you give the witness no chance; he was proceeding to answer your question when you interrupted him with another question. The witness will give you full answers to every question you may ask him, if you will but give him an opportunity.

By Mr. POLLARD:

Q. Did he or did he not tell you that he went there and swore to any lie; do you understand the question?

102 WITNESS. You mean did he say those words?

Q. Did he or did he not tell you that he went on the stand in the Sessinghaus case and swore to a lie?—A. Well, he told me that he went there and testified that he was not allowed the privilege of voting for Mr. Sessinghaus, when, in fact, on election day he was not in the city, but was up in Wisconsin; if you mean to ask me, did he use those exact words that you ask me, I will tell you that he did not; he did not use those words.

Q. Did he tell you that he went there and perjured himself?—A. No, sir; he didn't use that word either—that term.

Q. He neither told you that he lied nor perjured himself on the stand?—A. He did not use either of those terms.

Q. What is that man Caldwell's business?—A. I don't know what his business is.

Q. But he lives in the rear, upstairs, of 1121 North Twelfth street?—A. That is where I found him; that was the number that was given on my list in connection with his name, and that is where I found him.

Q. Did you ascertain whether that was his residence or not?—A. I did not ask him that question. I was looking for Ed. Caldwell in the rear of 1121 North Twelfth street, and found him there. I did not ask him if he lived there; taking it for granted that when I asked at that number for that man, and that man answering to his name, that he must live there.

Q. Now, all these other conversations that you had with the
103 other people were had in the presence of Reub. Armstrong, and in his hearing; were they not?—A. I only had two conversations in the presence of Reuben Armstrong, and they were with M. W. Lewis; no other conversation have I had about these matters with Lewis or any one else, in the presence of Reub. Armstrong; none except those two conversations.

Q. And both of them?—A. I had two conversations in front of Reub. Armstrong with M. W. Lewis.

Q. And you had no conversation with any one else in the presence and hearing of Armstrong, except these two with Lewis?—A. That is right.

Q. When were those conversations with Lewis?—A. Both of those conversations were on the same day that he come and pulled me out of the place and asked me if I knew the three men whom he pointed out.

Q. What time in the day was this?—A. That was in the morning, about nine o'clock.

Q. Now, where did the next one occur?—A. I said that was in the morning; both were in the morning.

Q. How long ago was that?—A. I think, sir, that was exactly on the twenty-sixth of the month—of March. I made a copy of that, sir.

Q. In the morning, between nine and ten o'clock?—A. Oh, no; it was about nine o'clock when he showed me these men. We did have

104 both these conversations between nine and ten o'clock. The were not had right straight along, because we came down tow and then went back again. I don't think it was as close together a that, but it was in that day that that second conversation took place I think it was about between eleven and twelve o'clock that he made use of these assertions. Now, I had conversations with him all during these days, but, I say, when he made use of these assertions Reub Armstrong was present. Both these conversations was right close to Armstrong's place, and one of them was on the inside.

Q. Where is his place?—A. 821 Christy avenue.

Q. What kind of a place is it?—A. Well, it is a billiard hall and saloon, sir.

Q. Does Armstrong run that billiard hall and saloon?—A. Together with his partner, Richardson.

Q. Mr. Reuben Armstrong is a gambler by profession, is he not?—A. No, sir; I don't think he is. He seems to work for a living. He sells beer and keeps a billiard hall.

Q. Isn't it a well-known fact that he is a professional gambler?—A. No, sir; we have got very few professional negro gamblers in Saint Louis.

Q. He does not keep a sporting house?—A. He keeps a place where you can get to drink, and there are billiard tables. I don't think Reuben Armstrong is that kind of a man, sir. He might play a little like most of us do, but I don't think he is a professional gambler.

105 Q. And one of these conversations, you say, was in the saloon whereabouts in that saloon, upstairs or down-stairs?—A. Down stairs.

Q. Who else was by when you had this conversation in the presence of Reub. Armstrong?—A. Nobody close enough to hear the conversation.

Q. Was that conversation in the forenoon or in the afternoon?—That was the conversation in the morning. Both of the conversations I think, were between eight and twelve o'clock.

Q. Oh, then, this last conversation was not between two and three o'clock?—A. I did not say so, sir; I said it was between eleven and twelve o'clock.

Q. Where was the other conversation?

WITNESS. What other conversation?

Q. The one that you had in the presence and hearing of Reub. Armstrong?—A. That was right next to the door, on the outside.

Q. Out on the street?—A. Uh hu. [Yes.] Reub. Armstrong was there. We three was talking together.

Q. He heard all that was said?—A. Well, yes; he heard all that was said by Lewis and me.

Q. And he heard all that was said in the conversation inside?—Yes, sir, I think he did; I think so. I simply say that he was present.

106 Q. You say you had one conversation with Mr. Fulton in a car about the 18th or 19th of March; that is true, is it not?—Between the 15th and 21st, I think it was.

Q. Where was that?—A. That was in the car; we was coming down in a car.

Q. From what place to what place?—A. Coming from Mr. Donovan.

Q. Was it in the morning or in the afternoon?—A. No; it was in the evening.

Q. You had also another conversation with him on the corner of Ninth

Christy avenue; was that conversation with Mr. Fulton?—A. That was a conversation with Mr. Fulton.

Q. Is that a saloon?—A. No; there is no saloon there on the corner; was just standing there; it is Rand's real-estate office there now on the corner; he occupies the house there, I think—or part of it. We was standing on the corner.

Q. Outside?—A. On the outside; oh, yes.

Q. Who was present at that time?—A. Nobody was present at that time except Mr. Fulton and me.

Q. Did you ever have any conversation with him in the presence of anyone else?—A. No; we never done our business that way.

Q. Nor with Mr. Smith?—A. Nobody was present; I had some talk with Mr. Smith in front of two or three men; we was talking about other subject altogether.

Q. Nor with Mr. Barkus?—A. No; I never had any talk with Mr. Barkus in front of anybody.

Q. You had all these conversations which you swore to here this morning with the party alone, except in two instances, where you talked with Mr. Lewis?—A. Yes.

Q. Now, haven't you located, as a matter of fact, those two conversations with Lewis in the presence and hearing of Armstrong, for the sole purpose of having him come here and swear that he did hear you, so as to corroborate their testimony?—A. No, sir; I will tell you why I did it; I did it simply because it is a fact; Mr. Armstrong did speak to Mr. Fulton as I know of; I never seen him together with Fulton; and I never seen him talking with Smith during the time that we worked for Mr. Frost. I never seen him talking with Barkus; when I met these several gentlemen their business with me was of a nature not to be paraded in the public streets; and then the circumstances were such that there happened to be no one there. Mr. Lewis would come alone; sometimes I would meet him, and we would probably be in the neighborhood of Reub. Armstrong's. I know that Armstrong did not meet with Fulton there in my presence; nor did he meet with Smith or Barkus there.

Q. You don't either pretend to say that Armstrong is interested in this matter of Mr. Frost's at all, do you?—A. Well, I think that he is interested; he is interested in the contest, I suppose, because he would like to see Mr. Frost occupy his seat; I know that Mr. Armstrong is a principle Democrat—a Democrat from principle.

Q. He is a colored man?—A. Yes, sir.

Q. Have you got any interest in this matter?—A. I have an interest in it; an interest created by working for it about twenty-three or twenty-four days.

Q. Have you any interest in the result of this contest?—A. Not a bit; I think it would be just the same if either one of them takes the seat; I don't expect to be benefited by either of them; only now that I am being employed; that is all.

Q. You would just as soon have Mr. Frost get the seat—

WITNESS. As Mr. Sessinghaus; I think that whichever one of them is duly elected should take the seat.

Q. But you have no earthly doubt, but that Mr. Frost was elected?

A. I don't know, sir; I never looked on it in that way; we are all free to form opinions. I have never looked at it close enough to form an opinion on that subject; it seems to be a pretty difficult matter to elect Mr. Frost; I should think probably that he was elected, right

and proper. As far as my interest in concerned in regard to this matter, I have none; that is candid.

Q. And your testimony has been candid, too, has it not?—A. Yes, sir.

Q. It is more so in regard to this matter of interest than your own testimony?—A. O, no; I just made use of that expression. If I expected anything I don't know whether I would be at liberty to tell you it wouldn't do to answer that question; but I do not expect anything I have answered your question.

Q. Who was present besides Armstrong in these various conversations which you had with Lewis?—A. Nobody was present, sir, except Mr. Armstrong.

Q. In no one single one of them?—A. Not in these conversations that we had.

Q. Mr. Lewis, however, was perfectly free and talked in the presence of Mr. Armstrong about this matter, wasn't he?—A. I should say yes, sir. He could talk in front of anybody, if he felt so disposed; his mouth was his own. I had nothing tied to it.

Signature waived.

108 GEORGE H. KAUP, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name to the notary, please?—Answer. George H. Kaup.

Q. Mr. Kaup, were you employed by me in this case—this Sessinghaus contest—in any respect?—A. Yes, sir.

Q. What work to do?—A. Well, I have been there to obtain information—specially German information, of parties that they were in doubt about their living at the place stated—or where they registered for an election day.

Q. And you went about that work?—A. Yes, sir.

Q. Visiting these places?—A. Yes, sir.

Q. Endeavoring to elicit such information as you could?—A. Yes, sir.

Q. Now, there appears to have been fraudulently registered in Precinct No. 75—a strong Republican precinct—one William H. Loen, 3 Broadway; what information did you obtain in regard to him?

Mr. POLLARD. I object to that question because it is premised upon an untruth, which has been shown so by the record; and for the further reason that a document has been handed the witness by the contestee with the desired answer to the question written thereon, and it is expected that he shall read his answer from that document.

By Mr. DONOVAN:

Q. Whose writing is there on that paper?—A. My writing.

Q. Made by yourself at the time?—A. Yes, sir.

Q. What information did you elicit in regard to that gentleman?

Mr. POLLARD. I would like to ask the witness whether all the writing on that paper is his own?—A. Not all the writing on that is mine. I made no writing on that paper except the statement I been receiving from the party, if they been living there, when I obtained that information.

By Mr. DONOVAN :

Q. What do you say in regard to William H. Loen, at 3635 Broadway?

Mr. POLLARD. I expect I have a right to examine the witness on that paper before it is permitted to be used ; who did make that writing on that envelope which you have in front of you ?

A. I made the writing.

Q. All there is there ?—A. No, sir ; did not.

Q. Who made the greater portion of it ?—A. I could not tell.

109 Mr. POLLARD. I object to the witness reading from that memorandum.

By Mr. DONOVAN :

Q. You did not write the name of William H. Loen, 3635 Broadway, did you ?—A. No, sir.

Q. But you wrote everything else in regard to what information you obtained as to that gentleman ?—A. Yes, sir.

Q. You don't know and don't care who wrote the address on the back of that envelope ?—A. No, sir.

Q. Now, what information did you elicit in regard to William H. Loen, 3635 Broadway, rear ?

Mr. POLLARD. I object to the question, for the reason that the witness is consulting, and proposes to read his answer from this memorandum, which, according to his own statement, seems to have been made by parties whom he does not know.

By Mr. DONOVAN :

Q. What information did you elicit in regard to William H. Loen, at 3635 Broadway, rear ?—A. Not known.

Q. You visited the place ?—A. Yes, sir.

Q. From whom did you obtain that information ?—A. From the parties living up there at that time at that number.

Q. What information did you obtain in regard to William Lonwell, 3001 Broadway, precinct 75 ?—A. He is not known to the parties living there on the day of election.

Q. What information did you obtain in regard to John Hermann, 2907 Broadway, in the same precinct ?—A. There is two parties been living there since ; and this party is not known.

Q. Do you know whether he ever lived there or not ?—A. The parties that are living there, and have been living there for years, do not know the name.

Q. In this same precinct, 75, a man by the name of E. Herrington specially registered from Broadway between Montgomery and Spring streets ; did you obtain any information in regard to him ?—A. He was not known in that neighborhood.

Q. In the same Republican precinct, one David Curry is registered from 1115 Saint Louis avenue ; what was the result of your inquiry for that gentleman ?—A. He was not known at 1115 Saint Louis avenue.

Q. In this same Republican precinct, 75, there appears to have been registered specially on the day of the election one Charles W. Price, 2700 North Eleventh street ; did you visit the place ; and, if so, what information did you elicit ?—A. There is no parties living there by that name ; none of them knows Price.

110 Q. In this same strong Republican precinct, 75, a man by the name of Henry Wegener specially registered on election day from 2817 Broadway ; what is your information in regard to him after visiting that place ?—A. He is not known to the parties living there.

Q. In this same precinct, Henry Kurth registered on election day from 2909 North Ninth street; what is your information in regard to him?—A. He is not known to the parties living there.

Q. In this same precinct Frank Kafer, specially registered from 2813 North Ninth street; what information have you regarding him?—A. He is not known there; and not known in the neighborhood.

Q. In the same precinct one James H. Stark specially registered from 2805 North Ninth street on election day; what do you know concerning him?—A. He is not known.

Q. What have you to say in regard to James H. Ring, who registered on election day in that same precinct from 2719 North Ninth street?—A. Not known.

Q. What did you ascertain in regard to L. Y. Locke, 2708 North Sixth street, who appears to have been specially registered on that day?—A. There is no number 2708 North Sixth street; that street runs out before it gets to so high a number.

Q. Well, did you endeavor to ascertain whether or not a man of that name lived there?—A. I asked all around in that locality, Ninth street; nobody lives where this number is said to be; there is no such number.

Q. You went to find these men if you could find them?—A. Yes.

Q. In this same Republican precinct, 75, one Benjamin W. Key appears to have registered from 1201 Wright street; what did you ascertain in regard to him?—A. The number I could not find; I found that Wright street runs out on Ninth street; there is the Bellefontaine car-stable there; the street doesn't run through.

Q. In the same precinct what did you ascertain in regard to Charles Fisher, 3002 Broadway, who was specially registered on election day?—A. He had been living there for four months.

Q. He moved there, then, since the election?—A. It is not stated down; but I been asking for so and so there, and how long he been living there; if he lived there before the election; they told me he been living there four months.

Q. When did you make this inquiry—the date?—A. I couldn't exactly tell the date.

Q. About when; in the month of March?—A. Yes, sir; it was in the month of March; I think it was the second day I was out.

Q. Well, had he moved into the house before the election?—A. It is not stated; only been living there for four months.

Q. Did he move into the house after the election or before?

Mr. POLLARD. I object to that question, for the reason that the witness has already stated that he has not got a memorandum to that effect; that he doesn't know; the counsel is trying to make his witness swear to what his memorandum does not show, as to what he does not know.

Mr. DONOVAN. I only want the facts from the witness. (To the witness.) If he has been living there four months, it is after the election that he moved into that house?

A. Yes, sir.

Q. Well, in another strong Republican precinct, No. 83, one Ant Stein, was registered on election day from 3134 Broadway; what information have you as to whether he did or did not live in that house on election day?—A. He has been living there four months; and if he has been living there but four months, he must have moved there after the election.

Q. In this same strong Republican and virtuous precinct, one Jol

Dailey, of 3129 Broadway, appears to have been registered; what is your information?—A. He is not to be found at 3129 Broadway.

Q. But you did find him on Ninth and Spring streets?—A. No, sir; I inquired at Ninth and Spring, but he is not known there.

Q. You couldn't find him at either place?—A. No, sir.

Q. Now, in the same precinct, 83, John Houp, specially registered from 3129 Broadway; same number as Dailey; what information did you obtain in regard to him?—A. No party known by that name in that neighborhood or at that number.

Q. In the same strong Republican precinct, No. 83, Valentine Lieber, specially registered from 310 Dock street; what information did you obtain in regard to him?—A. He is not known there.

Q. You were careful to get accurate information?—A. Yes, sir.

Q. In the same precinct, 83, S. C. Hough, specially registered from 3301 Broadway; what is your information?—A. That is a boarding house, and he is not known there.

Q. In this same Republican stronghold, precinct 83, there was specially registered on the day of election, one Tolcas Holpuatarz, from 3301 Broadway; what information did you obtain in regard to him?—A. Not known.

Q. Did not live there?—A. No, sir.

Mr. POLLARD. I object to the counsel for the contestee leading the witness; he has answered all he knows about it.

By Mr. DONOVAN:

Q. Had he ever lived there, or did anybody know anything about him?—A. He did not live there.

Q. In this same Republican precinct there was illegally registered on the day of election at the polls one Jules Neltz, 3232 Broadway; what did you ascertain in regard to him?—A. I inquired there; the forename of the man was known there, they said he had been working right across the street in a tannery; I had been over there and nobody worked there of that name; and he did not live at 3232 Broadway.

Q. There was somebody there named Jules, though?—A. Yes, sir; but not of the name Neltz.

Q. In the same precinct there was registered on election day at the polls one Henry B. Piatt, 3236 North Tenth street?—A. He was not known at that place.

Q. What did you ascertain in regard to John A. Seebrau, 3218 Broadway, who registered on election day?—A. He was not known.

Q. In precinct 141, one D. T. Lusk was specially registered on election day from 1948 North Sixteenth street; what is your information in regard to him?—A. There was no number 1948 North Sixteenth street, and he was not known around the neighborhood.

Q. In precinct 143, one Jacob Lipp, jr., registered from 2121 North Fourteenth street; what is the best information that you could get about him?—A. The party is not known.

Q. In precinct 148, one Robert Nooney was specially registered from Rousenback avenue, between Saint Louis avenue and Herbert street; what is the best that you could ascertain in regard to him?—A. He was not known there; and I been inquiring in several groceries around the neighborhood; no parties know him.

Q. If the man was there you would like to find him?—A. Yes, sir.

Q. In precinct 148, W. H. Trolluon was specially registered on elec-

tion day from 1627 Sullivan avenue; what is the best you could find out about that man?—A. Not known about there.

Q. In precinct 153, one Joseph Britt was specially registered on election day from 1907 University; what information could you obtain regard to him?—A. He was not known there; neither at that number nor in that neighborhood.

Q. In this same Republican precinct, 153, one Jacob Diesing was specially registered at the polls from the south side, between Twentieth first and Twenty-second street; what did you ascertain in relation to him?—A. He is not known, as far as I could find out from the direction that was given me; the directions were given me so indefinite though I been asking right along between Twenty-first and Twenty-second streets, and the party was not known.

Q. If he lived there your directions were so indefinite that you couldn't give any better information?—A. Yes, sir.

Q. The man might have been living there for all you knew, but your directions were indefinite?—A. Yes, sir.

Q. Well, in this same Republican precinct, one Caspar Schwie was specially registered from the south side of Herbert street between Twentieth and Twenty-first streets; what information did you elicit in regard to him?—A. He was not known.

Q. In the same block, on Herbert street, between Twenty-first and Twenty-second street, there was specially registered at the polls one George W. Danner; what could you find out about him?—A. Not known in that neighborhood.

Q. If he lived there you were not able to find him?—A. If he lived there I would have found him; parties are living there for years and well acquainted in the neighborhood, and they don't know the man or that name.

Q. And you don't know whether he is living there, of your own knowledge, nor whether he has ever lived there?—A. No; I do not.

Q. And you don't know whether his name is Dauer or Danner?—A. I do not.

Q. But whichever it was, you couldn't find him there?—A. No, sir.

Q. Well, one Charles Tuerqens registered at precinct 153 from the south side of Dodier street between Twenty-first and Twenty-second street; if you looked for the gentleman you may state what you were able to find out about him.—A. I been inquiring about the neighborhood there; he is not known; he is not known by any letter-carrier there.

Q. In precinct 165, one Christ. Hanebrink specially registered at the polls from Mallinckrodt street, between Fourteenth and Fifteenth streets; what information could you obtain in regard to him?—A. I been inquiring on Mallinckrodt, between Fourteenth and Fifteenth streets, and I inquired in grocery stores, and the party is not known.

Q. In precinct 165, one Adolph Wibbing was registered from the northwest corner of Eighteenth and Davis street; could you find the gentleman?—A. No, sir; he was not known there.

Q. In the same precinct there was specially registered at the polls one F. Hackmann, corner of Seventeenth and Davis street; if you sought for him please give us your information?—A. He was not known there.

Q. In the same precinct there was registered at the polls one Josef Pfeiffer, from 3509 Davis street; what could you find out regarding him?—A. Davis street runs out to 2500; I inquired in grocery stores

and in that neighborhood, and the party could not be found. It is on this envelope.

. He may have lived there but you couldn't ascertain anything at him?—A. No, sir.

. Well, in the same precinct, Joseph Anzer specially registered at 3207 North Seventeenth street; what did you find out in regard to him?—A. No party of that name living around in that neighborhood.

. In precinct 166, another strong Republican precinct, there was specially registered at the polls on election day, one Herman Spickermeyer, Twentieth and Salisbury; if you sought for that man, please tell us what information you succeeded in obtaining regarding him?—A. He is not known in the neighborhood of Twentieth and Salisbury.

. In precinct 166, there was registered at the polls Henry Linenrath, 4025 Kossuth avenue; what could you ascertain regarding him?—A. He was not known in the neighborhood.

. Well, now, in the same neighborhood—or rather in the same precinct, 166, G. Buas specially registered from Eighteenth street, between Garibaldi and Bremen; what is your information in regard to him?—A. He is not known in that neighborhood.

. You always endeavored to find those gentlemen if you could?—A. Yes, sir.

. And if you are mistaken in your information it is not your fault?—A. No, sir.

. In the same precinct there was specially registered at the polls August Zenke, from 1800 Bremen avenue; what is your information regarding him?—A. He was not known.

. Well, Joseph Rogers also appears to have registered from Seventh and Garibaldi streets; did you inquire for him; if you did, what was said to you?—A. He has been moved before November.

. What was your information in regard to Christ. Ahrens, 3808 North Eighteenth street, who specially registered at the poll for 166?—A. He is not known from 3808 North Eighteenth street; not known in the neighborhood.

. In precinct 167, one William Nichols registered from Benton and Simpson avenues; what was the result of your inquiries for that gentleman?—A. Benton runs out to Jefferson avenue, and clear around the neighborhood the party is not known.

. In precinct 167, Robert Hintz, specially registered from Grand avenue, and the Natural Bridge road; could you find that man?—A. He was not known.

. Well, John Joskel also registered at 167 from Grand avenue, between Natural Bridge road and Lee avenue; if you sought for that man, please give us your information?—A. The party is not known.

. At the same poll one W. Koehr registered from corner Glascock avenue and Natural Bridge road; what did you learn about him?—A. He was not known.

. In precinct 168, Edward Muckerman appears to have registered at 3737 North Eleventh street; where does the gentleman live, if you ascertained?

Mr. POLLARD. I don't want to interrupt the counsel for the contestee's objections, but in each and every instance where the question is premised by the statement that such and such a man did register, we say we object because there is no proof in this record or out of this record that that man did register.

Mr. DONOVAN. When Mr. Gonter will again get on the stand with his official book, he will verify everything I stated.

Q. Where did you find that gentleman living?—A. He was living 3716 North Fifteenth street.

Q. Then, he doesn't live on North Eleventh street?—A. No, sir; he has been married the eleventh of November, and he has moved 3716.

Q. He may have lived at that place on election day?—A. Yes, sir.

Q. One Jacob Bottom, registered from 3716 North Eleventh street at precinct 168; what did you find out regarding him?—A. He is not known.

Q. Also Arnold Fuchtmann, registered from 3930 Garibaldi street could you find that gentleman?—A. No, sir; he is not known in the neighborhood.

Q. In this strong Republican and pure and virtuous precinct, No. 11 there was registered at the polls on the election day one Louis Meyer, 11 North Thirteenth street; what is the result of your inquiry for that gentleman?—A. He is not there, and has not been there since June.

Q. Or June, '79?—A. 1879.

Q. This man has not lived there for a year and a half?—A. Yes, sir.

Q. Now, you endeavored to find these men, did you not?—A. Yes, sir.

Q. And this, you have stated, was the result of your search?—A. Yes, sir.

Q. If they lived in that neighborhood you endeavored to make a report?—A. Yes, sir.

Mr. POLLARD. I object to that question as leading.

Cross-examination by Mr. POLLARD:

Q. Mr. Kaup, in answering these questions that you have answered have you given us all the information which you have about any of these men?—A. Well, I have given all the information I have obtained from parties living there at the place at present when I been around there and obtained the information.

116 Q. My question to you was, whether when you testified here you have given us all the information which you have about these parties whom you testified about here?—A. Yes, sir.

Q. In every instance?—A. Yes, sir.

Q. You know no more about the residences or the places of abode, or the names of any of these individuals than you have already sworn to?—A. I do not know.

Q. Not one bit? When were you employed by Mr. Donovan or Mr. Frost?—A. I could not exactly state the date.

Q. About when?—A. It has been about three weeks ago, or about two weeks ago.

Q. When did you complete this work?—A. I expect it was last week—Thursday.

Q. That is a week ago yesterday?—A. Yes, sir.

Q. How many days did you take to make this canvass?—A. Seven days.

Q. You were employed seven days in it?—A. Yes, sir.

Q. How long did you work each day?—A. From mornings half past seven until three o'clock.

Q. In the afternoon?—A. Yes, sir.

Q. Each and every day?—A. Yes, sir. Well, it was quite indiffer-

ent. Once in awhile I would be out in the afternoon, and once in a while in the forenoon.

Q. What is your business, Mr. Kaup?—A. I haven't any business particular.

Q. How old are you?—A. Eighteen.

Q. Where do you reside?—A. 822 Carr.

Q. That is not in that portion of the town where you made these investigations?—A. It is not.

Q. You don't personally know one single one of these men?—A. No, sir.

Q. And you don't know anything more about them than you have read from these memoranda—these envelopes—do you?—A. No, sir.

Q. In any single instance?—A. No, sir.

Q. Do you know a man by the name of John H. Dierker?—A. Yes, sir.

Q. What is his business?—A. I couldn't tell you his business in particular. He has property there on Carr street, between Eighth and Ninth streets.

Q. What is his politics?—A. He is a Republican.

117 Q. You know him well?—A. Well, I expect I ought to know him; he is the landlord there of the building in which I am living.

Q. He is a leading Republican there, isn't he?—A. I couldn't tell you about his politics; I aint certain about him; I expect he is a Republican.

Q. How did you hear that?—A. Well, from parties in talking there.

Q. You are employed, as you stated here, in the first instance, to gather German information; did you make any inquiries concerning any individual who was not a German?—A. Yes, sir.

Q. But that was the specific object in employing you, was it?—A. Yes, sir.

Q. And you knew when you were employed what you were employed for?—A. Yes, sir.

Q. You knew that you were employed to ascertain whether the men whose names are on the envelopes which were given to you, did or did not live at the places at the time of the election last November?—A. Yes, sir.

Q. And you stated that to the people from whom you made the inquiries?—A. Yes, sir.

Q. And you knew that you were to come on this witness-stand to testify about these matters, did you?—A. Yes, sir.

Q. And you knew who Mr. Donovan was working for when he employed you?—A. I did not.

Q. You knew that he represented Mr. Frost in this contested election case—that he was Frost's lawyer?—A. I did not.

Q. Didn't you?—A. No, sir.

Q. When did you learn that?—A. That is more as I could state?

Q. You don't know it now, do you?—A. No, sir.

Q. Do you know what this case is that you are testifying in now?—

A. As far as I learned, it is a contest between Frost and Sessinghaus.

Q. Do you know at whose instance and on whose side you are testifying?—A. I do not.

Q. And don't know whether Mr. Donovan represents Mr. Frost or Mr. Sessinghaus?—A. No, sir.

Q. What are your politics, Mr. Kaup?—A. I aint of age; I am no politician; I don't care about it; I don't bother my head about it either.

118 Q. Don't really know much about it, do you?—A. No, sir.

Q. Now, do you know who you got that information from concerning Mr. Loen—William H. Loen?—A. Well, I got that information from parties living there when I inquired there.

Q. You didn't make any inquiry for Mr. Loen at 3035 Broadway, do you?—A. Yes, sir.

Q. Did you make inquiry for him at 3625 Broadway?—A. I did not.

Q. The question asked you by Mr. Donovan was 3635 Broadway wasn't it?—A. It was 3035.

Q. Did you learn where this man Loen lives?—A. I did not.

Q. Did they know anything about him there at that number?—The party is not known at that number.

Q. Who did you inquire of up there?—A. Well, I inquired from parties that have been living there.

Q. You don't know the name of the party that you inquired from, do you?—A. I do not.

Q. You do not now remember whether it was a man or a woman whom you made this inquiry?—A. Well, I can state that it was a lady.

Q. Did you make any inquiry in the rear of that house No. 3035 Broadway?—A. I did.

Q. You inquired both in front and in the rear?—A. Yes, sir.

Q. And he didn't live in either place?—A. He did not.

Q. Who did you inquire from in the rear?—A. A gentleman, if I am mistaken; he was just engaged in the back yard; he didn't know a party of that name.

Q. You say he was just engaged there, and hadn't been there but a little while?—A. O, no; he has been living there in the yard.

Q. What did you mean by being just engaged?—A. He has been engaged in work around the yard.

Q. How long?—A. I could not tell how long.

Q. Do you know how long these people had lived in front from whom you got that information?—A. No, sir.

Q. You don't know anything about it?—A. No, sir.

Q. Did you inquire for Mr. Lonwell at 3001 Broadway?—A. Yes, sir.

Q. You didn't inquire there for Mr. Cronwell, or Cornwell?—A. No, sir.

Q. Nor for Mr. Cornwall?—A. No, sir.

119 Q. For no one else except Lonwell?—A. No, sir.

Q. And whether Mr. Cornwell registered from 3001 Broadway you don't know?—A. I been obtained the information there; it is a boarding-house, if I aint mistaken; and I obtained the information from the proprietor.

Q. But Mr. Lonwell didn't live there?—A. Yes, sir.

Q. If Mr. Cornwell lived there you don't know anything about it?—A. No, sir.

Q. Now, who did you inquire for at 2907 Broadway?—A. John Heermann.

Q. How do you spell that?—A. John H-ee-r-m-a-n-n.

Q. And you called for Heermann?—A. Yes, sir.

Q. And you didn't inquire there for Mr. Homann?—A. No, sir.

Q. Nor for Mr. Heernemann?—A. No, sir.

Q. And you don't know whether a man by either of those two names does now reside there, and did reside there on election day?—A. There is no party of that name.

Q. By what name?—A. Heerman—living around in that neighborhood.

Q. I am asking about these other two names; you don't know anything about them—either Haumann or Heurman?—A. No, sir; I do not.

Q. How far is it between Montgomery and Spring streets on Broadway?—A. I think it is one block.

Q. It is just one block from Montgomery and Spring?—A. Yes, sir; Montgomery is the next street to Spring street, I expect.

Q. Do you know?—A. I am not quite certain.

Q. Isn't there another street intervening between Montgomery and Spring streets? Isn't there two blocks in there? Now, just think about it.—A. No, sir; I don't think there is.

Q. Is Broadway pretty well built up there on both sides?—A. I expect it is pretty well built up there.

Q. How many houses did you inquire thereat for Mr. Herrington?—

A. Well, I been inquiring there at the east side of the street; also the west side; then the grocery stores in the neighborhood.

Q. I asked you how many houses you inquired at for this man?—

A. Well, I been inquiring at about four or five.

Q. How many houses are there between Montgomery and Spring streets on the east side of Broadway?—A. I didn't take notice;
120 I didn't inquire at very many houses.

Q. It is built up pretty full there?—A. I expect it is.

Q. And also on the west side?—A. I can't tell exactly, but I guess it is.

Q. And it is a very long block, if it is not two blocks?—A. I think it is.

Q. Well, which? You think it is not a long block?—A. No, sir.

Q. About how many houses on each side?—A. I couldn't tell you how many buildings are on each side.

Q. There are some twenty-five on each side, are there not?—A. Well, that is more than I can tell you; I didn't keep track of the houses.

Q. But in that part of town there are families residing in each story, generally, are there not, in the first and second and third stories, if there are so many stories to the houses?—A. I expect there is.

Q. Where did you inquire for Charles W. Price?—A. I inquired for him at 3700 North Eleventh street, at the corner; it is on the north-east corner of the street. I inquired there, and the gentleman gave me the information that I gave you here—to the effect that he himself had lived there before the election, and he knew no party of that name.

Q. Who was that party that you inquired of?—A. I couldn't tell.

Q. That is a store on the corner?—A. It is not.

Q. What kind of a house is it?—A. Private dwelling.

Q. Two or three story house?—A. I think it is a two-story house.

Q. Is there more than one family in the house?—A. Well, he has engaged the whole building there, upstairs and down-stairs.

Q. So he told you?—A. Yes, sir.

Q. How long did he tell you that he had been living there?—A. He has been living there before the election.

Q. He told you that?—A. Yes, sir.

Q. What business is he in?—A. I couldn't tell you; I couldn't tell you his name, either; I didn't call for any one else except Price.

Q. You didn't inquire for any other individual at that number?—
A. No, sir.

Q. Did you inquire at any other place for Mr. Price?—A. I did not.

Q. Who told you that David Curry was not known at 1115 Saint Louis avenue?—A. Well, I been asking a number of parties there, and that party was not known. Then there was a shoe store on the northwest corner of the street, and I inquired there, and there was no party by that name known there, nor ever been living in that neighborhood.

Q. Who lives at 1115?—A. Well, I don't know the name of the party.

Q. And you don't know how long they had lived there?—A. No, sir.

Q. And you don't know how long this shoe store has been there on the corner?—A. No, sir; it seems to be a new row of buildings.

Q. And that is all that you know about it?—A. Yes, sir.

Q. Did you learn how long the parties had been living in 2909 North Ninth street, where you inquired for Henry Kurth?—A. I inquired there.

Q. I asked you if you had learned how long the parties had been living there from whom you inquired?—A. I did not inquire.

Q. And do not know?—A. No, sir.

Q. And you don't know how long the parties have been living at 2817 Broadway, do you, from whom you inquired concerning Henry Wegener?—A. Yes, sir; they had been living there over two years.

Q. They told you that there?—A. Yes, sir.

Q. Who are those parties?—A. Well, I couldn't tell the parties myself; a lady gave me the information.

Q. Some lady there?—A. Yes, sir.

Q. Now, did you go and inquire for Frank Kafer at 2813 North Ninth street?—A. Yes, sir.

Q. You didn't inquire for anybody else there?—A. I did not.

Q. And don't know whether a man by the name of Frank Rafter, who registered from there last fall, was living there yet?—A. I do not.

Q. How long had the parties been living at 2805 North Ninth street from whom you inquired concerning James H. Stark?—A. Well, they had been living there after the election; Stark been living there; then he moved to Palm street and Broadway; at least I have been receiving the information there; I directed my steps to that house there on Palm street, and the party was not known there. How long the party has been living there at 2805 North Ninth street I couldn't tell.

122 Q. You inquired at 2719 North Ninth street for Mr. James H. Ring?—A. Yes, sir.

Q. He did not live at that house at that time, nor on election day, from what you could ascertain?—A. No, sir; I been inquiring at 2719 North Ninth street for James H. Ring, and the party there told me he lived across the street; so I inquired across the street, and the party was not known.

Q. You didn't inquire at 2710 North Ninth street, did you?—A. No, sir.

Q. And you don't know whether he lived there or not?—A. No, sir.

Q. And although he had registered from 2710, instead of 2719, and you ascertained from the people living at 2719 that a man by the name of James H. Ring had lived on the opposite side of the street?—A. Well, they said he lived right across the street; they showed me the house; I do not recollect the number, but when I inquired there where I was directed they did not know any such party.

Q. Right opposite 2719 wouldn't be 2710, would it?—A. No, sir; it wouldn't.

Q. You inquired at North Sixth street for L. Y. Locke?—A. I been inquiring around; there is no 2700 North Sixth street; Sixth street runs out here to Cass avenue; I inquired at 2708 and 2709 on Ninth street, and the party was not to be found.

Q. Why did you go to 2708 Ninth street when your letter directed you to 2708 North Ninth street?—A. Well, I was thinking it might be a mistake in the name of the street.

Q. Did you go to any other place except 2708 North Ninth street?—A. I did not.

Q. You didn't go, then, to that number on any other street except Ninth?—A. Except Ninth.

Q. And Ninth street is three blocks away from Sixth street, is it not?

—A. Well, it is up here in this part of town; but it isn't out beyond Cass avenue.

Q. How far is 2708 North Sixth street from Cass avenue?—A. Well, Cass avenue is numbered 1500; that must be about twelve blocks.

Q. North of Cass avenue?—A. Yes, sir.

Q. Doesn't Eighth street run up as high as 2700?—A. I could not tell; I don't expect it does.

Q. Do you know how long the parties had been living at 2708 North Ninth street from whom you made this inquiry?—A. No, sir.

Q. You don't know anything about it?—A. No, sir.

123 Q. They simply told you that they didn't know Mr. Locke?—A. Yes, sir.

Q. There is no such number as 1201 Wright street, is there?—A. I could not find the number; there is a Wright street near Sullivan avenue, and that runs down to Fourteenth street. Wright street don't number on Ninth street; it faces around in this Bellefontaine car stable there.

Q. But you say there is one Wright street that runs out at 1400?—

A. Yes, sir; they run out there.

Q. How long is that street; how far east or west of that street does it run?—A. I could not tell.

Q. There may be such a number as 1201 on that Wright street, may there not?—A. I expect there is not.

Q. Well, do you know?—A. I could not tell.

Q. And you ascertained that a man by the name of Charles Fisher lived at 3002 Broadway?—A. Yes, sir.

Q. Who did you see there?—A. Well, I have seen the lady herself.

Q. What lady?—A. The wife of Charles Fisher.

Q. Did she pretend to tell you the exact date when she came there?

—A. Well, I been asking her how long they been living there, and she been telling me four months.

Q. She said about four months?—A. She said four months.

Q. Exactly four months from that day?—A. I could not tell that exactly; but she said four months.

Q. What day was that that you made that inquiry?—A. I think it was the second of my service—I expect.

Q. And she told you in effect that it was just four months from that day?—A. I could not tell you whether that was four months, but she said it was four months that they been living there.

Q. And you asked her no other question?—A. I did not.

Q. And she gave you no further information?—A. No, sir.

Q. You just went to her and asked her how long Charles Fisher had been living there?—A. Yes, sir.

Q. Now, who gave you this information about Anton Stein, 3134 Broadway?—A. There is a lady that gave me that information.

Q. What lady?—A. Well, I couldn't exactly tell if it was his wife or not; they been living there four months.

124 Q. You asked the same question of her that you did of Mrs. Fisher, did you?—A. Yes, sir.

Q. And she gave you exactly the same reply?—A. She gave me the reply, "four months" they been living there.

Q. That is the exact reply Mrs. Fisher made, or the lady at Mr. Fisher's house?—A. Yes, sir.

Q. Precisely?—A. Yes, sir.

Q. Well, why do you say that you couldn't find John Dailey either at 3129 Broadway or at Ninth and Spring streets?—A. Well, I been inquiring at 3129 Broadway, and they been telling me that he has been removed to Ninth and Spring streets; they couldn't exactly tell where, but up about there somewhere.

Q. Did you inquire at the grocery store at Ninth and Spring street?—A. Yes, sir; and the party is not found.

Q. Well, now, what other information did you get from 3129 Broadway than what you have already sworn to; anything further?—A. Well, he has been there before the election, but he has been removed since to Ninth and Spring.

Q. Since the election?—A. Yes, sir.

Q. And was then living at 3129 Broadway on the day of the election?—A. Yes, sir.

Q. I want to know who you inquired for at 3129 Broadway?—A. I inquired for John Houp.

Q. Who did you make that inquiry of?—A. I could not exactly tell, definitely, whether it was a lady or a gentleman.

Q. And she or he told you that he or she did not know Mr. Houp?—A. They didn't know him for a party that was living in that neighborhood; not where this letter was directed.

Q. Did you make any further inquiry at any other place?—A. I made inquiry at the grocery store, and the man was not known there; that grocery was on the corner; I expect it was on the northeast corner.

Q. Of what?—A. I could not exactly state the streets.

Q. Now, that is the information that you got from parties at 3129 Broadway?—A. Yes, sir.

Q. Didn't get anything more whatever?—A. No, sir.

Q. They didn't tell you how long they had been living there?—A. No, sir.

Q. Nor anything whatever about it?—A. No, sir.

Q. You inquired for a man named Lieber at 810 Dock street?—A. Yes, sir.

Q. And you inquired for nobody else but Lieber, did you?—A. That is all I inquired for.

Q. And whether Mr. Valentine Sieber, who registered from there on election day, lived there at that time, you know nothing at all about?

Mr. DONOVAN. The gentleman seems not to be able to overcome his liking for typographical errors; he should remember that no man can be elected to a seat in Congress, or defeated for Congress, on typographical errors; his case is made up of just such case as the difference between Lieber and Sieber; the name on the book appears to be Lieber; but even if it should be Sieber, it is an error that ought to be ignored.

This witness looked for a man in that number of any name similar in sound or spelling to the name on his envelope.

Mr. POLLARD. I want to know what the gentleman is making his case out of, if not of typographical errors?

Mr. DONOVAN. If my case was based on typographical errors, I would long since have abandoned it.

By Mr. POLLARD:

Q. Do you know how long that man had been living there at 810 Dock street, from whom you inquired?—A. I could not tell; this was a boarding-house.

Q. And you don't know anything about it?—A. No, sir.

Q. Well, did you ascertain in your inquiry at 3301 Broadway how long the party had been living there whom you saw and inquired concerning that man?—A. Well, the party has been living there quite a while.

Q. How do you know that?—A. I been asking them how long they been living there; they been telling me they been living there long enough to know the parties; and they told me they lived there before the election.

Q. They told you they lived there before the election?—A. Yes, sir.

Q. What kind of a house is that?—A. It is a brick house, if I aint mistaken; three-story brick house.

Q. Boarding-house, isn't it?—A. Yes, sir.

Q. Do you know who keeps it?—A. I do not.

Q. Who did you inquire for when you went there?—A. Holpuatarz.

Q. Did you make any inquiry for any other person at that house?—

A. I did not.

126 Q. Not another soul?—A. No, sir.

Q. And whether anybody else who registered from that house was improperly or wrongfully registered you know nothing whatever about?—A. No, sir.

Q. How do you spell the man's name for whom you inquired?—A. H-o-l-p-u-a-t-a-r-z.

Q. You didn't inquire for a party named Tobias Hollenrites?—A. No, sir.

Q. Notwithstanding the fact that Tobias Hollenrites registered and voted from that number, you made no inquiry about him?—A. No, sir.

Q. Well, you made an inquiry for Jules Neltz at 3232 Broadway, did you?—A. Yes, sir.

Q. And they knew some man there of the name of Jules, but his last name was not Neltz?—A. His last name was not known.

Q. They didn't know what his last name was?—A. No, sir; they told me I could find him in the tannery across the street. I inquired in the tannery for a man named Jules Neltz, and they been telling me there was no man by the name of Jules Neltz working in that tannery.

Q. Who did you see at 3232 Broadway to make this inquiry from?—A. I seen a gentleman there.

Q. He told you that a man by the name of Jules something did live there, but he didn't know his name?—A. He didn't know the last name.

Q. But he told you that a man named Jules something was living there, but his last name he didn't know?—A. He boarded there, and this Jules worked in the tannery across the street; I went to the tannery and could not find no man by the name of Jules working there.

Q. How many names did you inquire for, all told?—A. Well, I could not state.

Q. Some three or four hundred, did you not?—A. Well, I could state how many I had; I generally been taking ninety a day.

Q. How many days?—A. Seven days; that was, ninety was the highest I ever took a day; other days they were less than that—forty, fifty.

Q. Then each day you took out from forty to ninety?—A. I say six days I had ninety, and some days forty; some days I had ninety, expect a little over.

Q. Then you worked, all told, seven days?—A. Yes, sir.

Q. And then, all told, you must have had some five or six hundred names?—A. I wouldn't state whether I had that many for sure or not. I think I had between twelve or ten hundred.

127 Q. Who did you make inquiry of at 3236 North Tenth street what person did you see there from whom you got the information you have given here, if you remember? If you don't remember say so?—A. I could not exactly remember the party.

Q. You don't remember anything about that, except what your memorandum shows you there?—A. That is all I remember.

Q. And that shows you that he is not known there at that place?—A. Yes, sir.

Q. And that is all that you can remember at this time about that man?—A. That is all I know about that man—that he is not known there.

Q. He was not known there by the person from whom you inquire?—A. Yes, sir.

Q. And you don't know how long that person has been living there you don't know him?—A. No, sir; I do not.

Q. Now, you inquired for Mr. John A. Seehan at 3218 Broadway, and found that he was not known there?—A. I inquired on Second street rear; the building is laying back in the yard on Second street; rather, Second street runs back of it. I inquired in front; I inquired in the front, and they said they been living there on Second street.

Q. Did you find out how long those persons had been living there?—A. They are colored folks all down there; all been around there three or four years; they told me that.

Q. And they didn't know anything about this man, you say?—No, sir.

Q. You made no inquiry for a Mr. Feilzer?—A. No, sir.

Q. And know nothing about him?—A. No, sir.

Q. Notwithstanding the fact that Feilzer, and not Seehan, is the name that registered from that number. Now, you inquired at 1948 North Sixteenth street for D. T. Lask, and you found that there is no such number?—A. There is no such number.

Q. You didn't inquire at 1918?—A. I did not.

Q. When you found there was no such number as you had on your memorandum, you just simply quit your inquiry and made a memorandum to that effect?—A. No, sir; I didn't. I tried my best to find out about the gentleman; I asked all along 1900 and 2000.

Q. All the way along there for Lask?—A. All along, and in grocery stores; there some parties told me he lived on Fourteenth street; so I inquired on Fourteenth street, in the grocery store.

Q. You didn't inquire at 1918?—A. Yes; I did inquire there. 128 Q. You don't know who lives there?—A. No, sir.

Q. You made no inquiry for a man named Groasch, D. C., registered from 1918 North Sixteenth street?—A. No, sir.

Q. And you know nothing whatever about it. Now, who did;

inquire for at 2121 North Fourteenth street; who is the party that you saw there?—A. I could not tell who the parties are; it was a gentlemen I asked.

Q. Now, all you know about Mr. Lipp, Jacob, junior, is that you inquired there and found there a person, of whom you inquired, and that person informed you that he was not known there; isn't that the way of it?—A. He is not known.

Q. That is all you know about him?—A. Well, the parties I been asking been living there for years; he knew not a party named Lipp.

Q. Now, who was the party you asked?—A. Well, that is more as I can tell you. I can tell his features; I don't know his name.

Q. Was it a man?—A. Yes, sir.

Q. Is that a boarding-house?—A. I couldn't tell you what it is.

Q. He told you that he had been living there for years?—A. Yes, sir.

Q. And that is all that you know about it?—A. That is all I know about it.

Q. Now, did you find out or do you know anything more about Robert Nooney than what you have testified to here to-day?—A. That is all I know about it.

Q. And that is that he is not known there at the grocery store?—A. Well, that is a large block, I could not tell the size; the street runs past this Saint Louis place—Saint Louis Park—runs past the west side; I been inquiring in the groceries; been inquiring all over the neighborhood; they don't know anybody by the name of Robert Nooney.

Q. How many places did you inquire at?—A. I been inquiring in two groceries; and inquired of men who been engaged around there—around the park.

Q. Where are those two groceries at which you inquired?—A. They are on Saint Louis avenue.

Q. How far from Rousenback avenue?—A. From Rousenback avenue, I couldn't tell that; whether it is 1700—it must be 1700; there is a grocery on Sixteenth and Spring; Spring runs into Saint Louis avenue.

Q. I thought it was all Saint Louis avenue where you inquired at these groceries?—A. Rousenback avenue runs this way (indicating); joins with Saint Louis avenue.

Q. Now, do you say that you inquired on Rousenback avenue at any grocery stores for this man?—A. There is no grocery store on Rousenback avenue.

Q. You didn't inquire at any house on that avenue for this man?—A. Well, I inquired at a building there; I been inquiring from parties there had been living there.

Q. Where?—A. I think it was some 2900.

Q. What?—A. On Rousenback avenue.

Q. Between what streets is that?

WITNESS. Rousenback avenue?

Q. No; 2900 Rousenback avenue?—A. Well, that I couldn't exactly state between what streets they are; there are no streets running through there; it is this park that is out there.

Q. We will pass on to 1627 Sullivan avenue; who did you see there?

—A. I seen a German lady there.

Q. What is her name?—A. I don't know her name.

Q. She simply told you that Mr. Trollnom was not known there?—A. He was not known there.

Q. Did she tell you anything else?—A. No, sir.

Q. That is all you know about it ?—A. That is all.

Q. And you don't know how long she has been living there ?—A. I don't know that.

Q. You didn't inquire there for Mr. Twellman, who registered for that number ?—A. I did not.

Q. Now, did you inquire at 1907 University of a man or a woman ?—A. I been inquiring of a lady.

Q. What did you ask that lady ?—A. I been asking her for Jose Britt. [Witness pronounced this name as if spelled "Bright."]]

Q. What did she tell you ?—A. She been telling me that there was no party of that name living there since she lived there, and she been living there quite awhile before the election, but she didn't state how long before the election.

Q. Did you ask her there for a man named Joseph Britt ?—A. No, sir.

Q. Did you show this lady your envelope, or did you ask her just for a man named Joseph Bright ?—A. Yes, sir.

Q. Who did you see on south side of Hebert street, between Twentieth and Twenty-second streets ?—A. I seen a lady there.

Q. What was her name ?—A. I don't know her name.

Q. What did she tell you ?—A. She told me that she didn't know any parties by the name of Schwicke around in that neighborhood ; she been living there for twenty-four years.

Not being able to complete the taking of these depositions, do now adjourn the further taking of the same until to-morrow, Saturday, April 9, 1881, then to be continued at the same place at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public City and County of Saint Louis.. Mo.

Term expires March 13, 1882.

No. 47.

1 Pursuant to adjournment, as above stated, on the 9th day of April, 1881, at the hour of ten o'clock in the forenoon, I continued the taking of these depositions as, follows:

Cross-examination of Mr. KAUP resumed.

By Mr. POLLARD:

Question. Who did you inquire for on the south side of Hebert street, between Twenty-first and Twenty-second streets?—Answer. George W. Donner.

Q. How do you spell it?—A. D-o-n-n-e-r.

Q. Did you inquire there for any other person?—A. I did not.

Q. And you learned there certain facts; from whom did you learn those facts?—A. I learned them from several parties that have been living there quite a while, quite a number of years; the lady has been living there for twenty-four years and over, and she didn't know any party by that name.

Q. What other party did you inquire for there?—A. I inquired for several other parties passing by there, from going to work and living around in the neighborhood.

Q. What was the lady's name from whom you learned this information?—A. I didn't inquire her name; I don't know it.

Q. Who did you inquire for on the south side of Dodier street, between Twenty-first and Twenty-second streets?—A. I inquired around in the neighborhood there of certain parties, but they didn't know them.

Q. Who did you ask for?—A. Tuerquens.

Q. How do you spell it?—A. T-u-e-r-q-u-i-s.

Q. Did you inquire for the gentlemen between West Twenty-first and Twenty-second streets?—A. I did not.

Q. Nor you didn't inquire for a gentleman named Turgis?—A. No, sir.

Q. Nor no one else except Tuerquis?—A. That is all I inquired for.

Q. And you found that that man was not known there?—A. No, sir.

Q. Between Twenty-first and Twenty-second streets?—A. No, sir.

Q. Who did you inquire for on Mallinckrodt street, between Fourteenth and Fifteenth streets?—A. Hanebrink.

Q. And you inquired for no one else?—A. No, sir.

Q. You didn't inquire for a man named Hanebrink?—A. I did not.

Q. Notwithstanding Mr. Hanebrink was the man who registered and voted from that number?—A. No, sir.

2 Q. Who did you make that inquiry of, if you now remember?
—A. I been making the inquiry there on Salisbury street, I think at the grocery.

Q. Is that the man's name there who keeps the grocery?—A. I couldn't tell the name of the man who keeps the grocery store; Salisbury is the name of the street.

Q. It was on Salisbury street?—A. Yes, sir.

Q. Now, who did you inquire for at the northeast corner of Eighteenth street and Davis?—A. I made inquiry there of a colored man that has been living there at least for three years.

Q. So he told you?—A. Yes, sir.

Q. Do you know what his name is?—A. I do not; but he didn't know anybody by the name of Adolph Wibbing.

Q. How do you spell it?—A. W-i-b-b-i-n-g.

Q. Did you inquire of any other individual there, except this colored man?—A. I inquired at the grocery store on Sixteenth and Davis street; he didn't know no party by that name; that is two blocks away.

Q. And that is all the inquiry you made?—A. Yes, sir; that is all the inquiry that I made.

Q. From any source whatever; that is all the inquiry you made of any one, I mean?—A. That is all.

Q. Now, did you go to the house on the corner of Seventeenth and Davis street?—A. Yes, sir.

Q. Who lives there?—A. Well, there is—I couldn't state the parties' name, but they is white folks.

Q. What did you ask them?—A. I asked them if any one by the name of Fred. Hackman lived there, or was known there.

Q. What did they say?—A. They didn't know him.

Q. Did you inquire for Fred. Hackman?—A. Yes, sir.

Q. And they told you that was his name?—A. Yes, sir; I asked them if there was any party there living before the election by that name, or lived there since, or moved since; they didn't know him.

Q. Did you ask them any other question?—A. I did not.

Q. Not one?—A. No, sir.

Q. You didn't ask them how long they had lived there?—A. No, sir.

Q. And you don't know, of your own knowledge?—A. No, sir; I do not.

3 Q. You didn't ask anything whatever about it?—A. No, sir.

Q. Now, at 3509 Davis street you made no inquiry, because there is no such number?—A. There is no such number; Davis street runs out at 2500; but I inquired at the grocery there; it is on the Natural Bridge road, I think, and Twenty-third street; I couldn't tell for certain. I inquired at the grocery store there; they are pretty well acquainted—been around that neighborhood for awhile; he didn't know anybody by the name of Pfeiffer there.

Q. You didn't inquire at 3509 North Eighteenth street, did you?—A. No, sir.

Q. And notwithstanding Mr. Justus Pfeiffer registered from 3509 North Eighteenth street, you made no inquiry at that place?—A. I did not.

Q. Well, who did you inquire for at 3207 North Seventeenth street?—A. I been inquiring at that place for Anzer; I been there one day and been inquiring, and there is nobody there; the next day I passed there, and as I passed—there is a party living there named Cornet.

Q. How does he spell his name?—A. I couldn't tell you how he spell his name.

Q. What did you learn?—A. That he didn't know any party there by the name of Joseph Anzer.

Q. What other information did you get from him?—A. That is all the information I got from him.

Q. Nothing else in the world?—A. I did not.

Q. And you don't know how long that party has been living there of your own knowledge, and the gentleman did not tell you?—A. No, sir.

Q. Now, did you inquire up on the corner of Twentieth and Salisbury about Mr. Spickermeyer?—A. Well, I been inquiring around the neighborhood within two or three blocks of the place—barber shop, groceries—and they didn't know him, or anybody of that name.

Q. Did you inquire at the corner of Twentieth and Salisbury street?

of any person?—A. There is no building there on the corner of Twentieth and Salisbury streets; it is a brick-yard on the northeast corner; on the southeast corner is a vacant lot; and this here workingman's association is on Twentieth and Davis.

Q. Who is on the northwest corner?—A. That is a vacant corner; southwest corner is a vacant corner, and the next yard or lot, I mean to say, is adjoining a brick building.

Q. So three corners are vacant lots and the fourth corner is a brick-yard?—A. Yes, sir; the northeast corner is a brick-yard, and the southwest corner is a vacant lot.

Q. And the next lot is covered by a brick house?—A. Yes, sir.

Q. How many houses are there in that row?—A. I couldn't exactly state; there must be five or six.

Q. At how many did you inquire for this man Spickermeyer?—A. I been inquiring there in the barber shop and grocery stores, and they didn't know.

Q. You inquired for Hermann Spickermeyer?—A. Yes, sir.

Q. And no other man?—A. No, sir.

Q. You didn't make any inquiry for Henry Spickermeyer?—A. I did not.

Q. And you didn't inquire at any of these residences in this brick row?—A. I did not; the grocery was well known in that neighborhood; it was acquainted all around in that neighborhood; been living there quite a number of years.

Q. Well, now, you inquired for a man named Linenseber; is that right?—A. Yes, sir.

Q. At 4025 Kossuth avenue?—A. Yes, sir.

Q. Who did you make that inquiry of?—A. That is called Grove avenue or Kossuth avenue.

Q. What did you learn there?—A. They didn't know anybody of that name around in that neighborhood.

Q. Did you learn anything else?—A. No, sir.

Q. You didn't ask them any other question?—A. No, sir.

Q. And you don't know how long they had been living there—those parties from whom you got the information?—A. No, sir.

Q. You didn't ask him, did you, whether he knew a man by the name of Henry Linenweber?—A. No, sir.

Q. Well, now, I want to know who you inquired for on Eighteenth street, between Garibaldi and Bremen; how you do spell the name?—A. B-u-e-s.

Q. You did not inquire for Burs?—A. I did not.

Q. Notwithstanding a man by the name of Burs is the man, and not Bues, who did register from there?

Mr. DONOVAN. I object to the statement of the counsel for the contestant in that regard, for the reason that the typographical features will cut both ways, and I think they ought to be ignored on both sides; if there is a man by the name of Burs or Bues there and a mistake is made in spelling his name, he ought to be entitled to his vote; if there is a mistake in the spelling of his name, or a transposition of figures in the address it ought to be corrected and the man permitted to cast his vote; but now the gentleman sees how typographical features can cut both ways.

Mr. POLLARD. The contestant's counsel now sees how the contestee's blunders and mistakes are cropping out, as they have been from the beginning, and will continue to the end; he sees now how his tyros

have done their work, as tyros always do their work; making more mistakes than can be corrected.

Mr. DONOVAN. And the very inquiries the gentleman is making show that his case is made up of such insignificant matters as the transposition of a letter in a man's name, or figure in his house number; I certainly have no desire to see any man denied the privilege of voting because his name is misspelled, be he Democrat or Republican.

Mr. POLLARD. I learned when I was a boy the adage that men's actions speak more truthfully than their words; now, the contestee by the words of his mouth would seem not desirous of taking advantage of typographical errors; but when he puts witness after witness on to the stand for the sole purpose—for the express purpose—of building and sustaining his cause by typographical errors, I think that the old adage is come new and truthful once more.

Q. You inquired for a man named August Zemke?—A. Zemke.

Q. How do you spell it?—A. Z-e-m-k-e.

Q. Where did you make that inquiry?—A. At a grocery on the southeast corner of Eighteenth and Bremen avenue.

Q. What number would that be?—A. That would be 1800.

Q. The southwest corner would be 1800?—A. Yes, sir; it is 1800, the southwest corner.

Q. What did the grocery man tell you?—A. That there is no party of that name living around that neighborhood.

Q. He told you that there was no man of that name in that place where you inquired?—A. No, sir; that was the number of the building, 1800—and there was no such party living there.

Q. You are sure that that was on the southwest corner?—A. Yes, sir; on the southwest corner.

Q. You didn't make any further inquiry on the southwest corner of that street?—A. No, sir.

6 Q. And you didn't make any further inquiry of that grocery man except what you have stated?—A. I did; I asked him how long he had been there, and if he knew the parties living there, or any party by that name; he said he did not know such a party; he did not know of no man of that name; all the neighbors around there dealt with him, and he didn't know any such man.

Q. And that house was on the southwest corner of Eighteenth and Bremen?—A. Yes, sir.

Q. Who did you inquire of concerning Joseph Rodgers?—A. Roger—I have been inquiring—it is a shoemaker on the northeast corner of Seventeenth street and Garibaldi.

Q. Who else?—A. That is the only party.

Q. What did you ask him?—A. I been asking him if he know an ~~body~~ body by the name of Joseph Rogers around the neighborhood; if ~~he~~ he has been living there before the election, and moved since?

Q. And what did he say?—A. He said that there was one Roger—; he didn't know his fore name; he lived there before the election and moved since; moved before the election.

Q. Where to?—A. He did not know where he resides at present.

Q. He told you that a man by the name of Rodgers did live there before the election, but his first name he didn't know?—A. Yes, sir.

Q. And that he moved since the election?—A. He moved before the election.

Q. He moved before the election?—A. Yes, sir.

Q. That is what the shoemaker stated?—A. Yes, sir.

Q. Now, what else did you ask this man with whom you talked?—A. That is all I been asking him; I didn't learn anything else.

Q. You didn't learn, then, how long this man with whom you were talking had lived there himself; he didn't tell you?—A. No, sir; he didn't tell me.

Q. Where did you make your inquiry for Christ. Ahrens?—A. I made inquiry for him at 3808, North Eighteenth st.

Q. And at no other place did you?—A. I did not.

Q. Who did you see at 3808 North Eighteenth street?—A. I seen a lady there.

Q. What was her name?—A. I could not tell her name.

Q. What did you ask her?—A. I been asking her if any one lived there by that name; if they been living there before the election, and if they live there at the present; she didn't know of any party living there by that name; she says she has been living there about seven or eight years; she didn't know of any party living around in that neighborhood of that name.

Q. What other information did you get from her?—A. That is all the information that I got from her.

Q. That is all she said?—A. That is all she said.

Q. And you inquired there for Christ. Ahrens?—A. Yes, sir.

Q. And nobody else?—A. That is all I inquired for.

Q. Now, where did you inquire for William Nichols?—A. I inquired for him on Benton and Jefferson avenue; Benton street runs out there by Jefferson avenue; it run up to there but it doesn't run through.

Q. You inquired at the corner of Benton street and Jefferson avenue?—A. Yes, sir; I inquired for him at the corner of Benton street and Jefferson avenue.

Q. Did you inquire on the corner of Thompson avenue and Benton street?—A. Benton street don't run there.

Q. Mr. William Nichols registered from the corner of Benzen street and Thompson street; did you go there?—A. I did not.

Q. You didn't inquire there at all?—A. I did not.

Q. Do you know whether there is a street named Benzen street?—A. I couldn't tell you; there might be a street from that name.

Q. And notwithstanding Mr. William Nichols registered from the corner of Thompson street and Benzen streets you did not inquire there?—A. I did not.

Q. Now, whereabouts did you inquire for Robert Hintz?—A. Grand avenue and Natural Bridge road.

Q. That is a pretty big space of country, isn't it?—A. I expect it is a good stretch there. They have four corners there like any other place.

Q. Which corner did you inquire at?—A. South side, west side, and east side.

Q. And those are all the places you inquired at?—A. That is all the places I inquired at; I inquired at the grocery store on the south side—southeast side; he didn't know of any party residing there of that name; on the northwest corner the fair grounds are; I didn't inquire there for any one; then on the southwest corner I inquired in a saddle store or harness shop, and they didn't know any such party.

Q. Who did you inquire for?—A. Robert Hintz. And they didn't know any such name, or any party by that name.

(NOTE.—The witness pronounces this name as if it were spelled H-i-g-h-ntz.)

Q. You didn't inquire for Robert Hintz?—A. No, sir.

Q. Notwithstanding he is the man who registered and voted there from that neighborhood; who did you inquire for on Grand avenue Natural Bridge road and Lee streets?—A. John Joskel.

Q. And you couldn't find any such person as that?—A. I could.

Q. You didn't inquire for any other man?—A. I did not.

Q. And have no information concerning any other man?—A. sir.

Q. You didn't inquire for John Toskel?—A. I did not.

Q. Notwithstanding he is the man who registered and voted there?—A. No, sir.

Q. Now, who did you inquire of, for this man Joskel?—A. I been quiring at the groceries there, and I inquired at private dwellings; it is, on the west side of Grand avenue, between Lee avenue and Natural Bridge road. They didn't know any party by that name.

Q. You inquired at a grocery store there, and at one residence?—Yes, sir; I been inquiring at the same grocery; I inquired at the grocery store on the southeast corner of Grand avenue and Natural Bridge road.

Q. Well, now, who did you inquire for on the corner of Glasgow avenue and Natural Bridge road.—A. W. Koehr.

Q. And for nobody else?—A. No, sir.

Q. How do you spell it?—A. C-o-e-h-r.

Q. You did not inquire for any man who spells his name W. K-o-e-h did you?—A. Well, I inquired for Mr. Kerr; that was the way I pronounced it.

Q. And they told you there that he was not known?—A. Yes, sir.

Q. And you also learned from the same source, that Jacob Bottom was not known by the man from whom you inquired?—A. He is known at 3716 North Eleventh street.

Q. Now, didn't you find out where he did live?—A. I did not.

Q. And that is all that you know about him?—A. That is all I know about it.

Q. Every word?—A. I know that the party what I asked has been living there for three or four years.

Q. Do you know that of your own knowledge?—A. No, sir; I don't; I know that is the information that he gave me.

Q. At that number?—A. He didn't know Jacob Bottom.

9 Mr. DONOVAN. You mean that that man that was living there three or four years didn't know Jacob Bottom?—A. No, sir.

Mr. POLLARD. I object to that statement, because the statement the counsel is not in evidence here.

Q. You are not willing to make a misstatement here at the expense of the counsel for the contestee, are you?—A. No, sir.

Q. Nor at my instance, are you?—A. It can easily happen that I could make a slip or something of that matter; but I say Jacob Bottom is not known by the man that lives there at 3716 North Eleventh street; the man what lives there.

Q. That is the man that lives there told you that?—A. Yes, sir.

Q. And you don't know the man whom you asked?—A. No, sir.

Q. Nor his business?—A. No, sir.

Q. Nor anything in the world?—A. No, sir.

Mr. DONOVAN. Nor the age of his next child?—A. No, sir.

Mr. POLLARD:

Q. What time in the day did you go there?—A. Noon.

Q. You inquired for a man named Fuchtman, at 3930 Garibaldi street?—A. I inquired for Mr. Fuchtman—Arnold Fuchtman.

Q. But you didn't inquire for any one else did you?—A. No, sir.

Q. And they told you there that they didn't know that man?—A. They didn't know that party.

Q. What else did they tell you?—A. That is all the information I received.

Q. Every bit?—A. Yes, sir.

Q. Then, of course, you didn't learn how long the party had lived there that gave you that information?—A. No, sir.

Q. And you did not inquire for a man named Tuchman?—A. No, sir.

Mr. DONOVAN. Now, the typographical contestant comes to the front and shows how printers can elect a defeated candidate who is running for Congress, if such a thing was tolerated.

Mr. POLLARD. I would not say a word here, except from the fact that the contestee is endeavoring by his insinuations to make
10 a false impression upon the committee; these men whom he has been asking about registered specially on election day; they wrote their own names, and they wrote their own addresses, and those names and addresses never went into the printer's hands; the mistakes which the counsel for the contestee sees fit to charge up to the printers were made by his own tyros in copying from these special registration lists; he has seen fit instead of employing men competent and capable of transacting the business well, to employ boys like the one on the stand, who, I have no doubt, attempted to do his work well, but who did it, as boys invariably do their work, full of mistakes.

Mr. DONOVAN. Inasmuch as the gentleman who made that copy has been in the employ of the recorder of voters during many years, and instead of being a boy, was a gentleman highly respected in this community, known for his accurate work as a copyist, and entirely trustworthy, and the counsel's allusions to his being a boy, and to his consequent disposition to make other than ordinary mistakes are wholly and totally unfounded.

Mr. POLLARD. I am very glad that the counsel for contestee is willing to admit that he has called into requisition a Democratic official of this town; if he had done so all the way through, to the extent which he states, notwithstanding they are partisans and desire to make their evidence with a partisan bias, I apprehend it would have been much better than it now is; for the facts are, notwithstanding the gentleman's assertion, that this work was done by boys.

Q. Now, who told you that Louis Meyer has not lived at 1119 North Thirteenth street for a year and a half?—A. The only information I received there, I asked for Louis Meyer, and he was not there since June, 1879.

Q. Well, I ask you who you got that information from?—A. I received the information from a lady.

Q. What was the lady's name?—A. I could not tell you that; I did not inquire for her name.

Q. Did she give you any other information whatever?—A. No, sir; she did not.

Q. Not one word?—A. No, sir; she did not.

Q. Where did she live?—A. She lived at 1119 North Thirteenth street.

Q. Now, which was it; 1911 or 1119?—A. Well, 1119.

Q. North Thirteenth street?—A. Yes, sir; North Thirteenth street.

Q. She didn't tell you whether she knew this man; she didn't
11 tell you how long she had been there herself; she didn't tell you another word, except that which you stated, did she?—A. That
is all.

Q. Since you were on the stand yesterday evening you have been looking over these envelopes again, have you not, and tried to think more about this matter?—A. Well, I have been looking at them this morning about three minutes; I just received them from Mr. Donovan when I went on the stand here.

Q. What instructions did you get from Mr. Donovan this morning?—A. I did not receive any instructions; he just handed me the papers and told me to look over them.

Q. That was every word he said?—A. That was all the instructions I received from him.

Q. That is all he told you when he handed you the papers?—A. That is all he said to me when he handed me the papers.

Q. Didn't he tell you, either last night or this morning, that when you went on the stand again he wanted you to be specific and say in each instance that the party who gave the information concerning the names had been living at that place for years?—A. He did not.

Q. Nothing of the kind?—A. No, sir.

By Mr. DONOVAN:

Q. You are not an agent of the postal service, are you?—A. No, sir.

Q. And you have never been in the employ of the postal service?—A. No, sir.

By Mr. POLLARD:

Q. How much per diem did Mr. Donovan pay you for this work?—A. I received a dollar and a half a day.

Q. For how many days?—A. For seven days.

Q. And each day you took out a fresh list of from fifty to ninety names; somewhere between those numbers?—A. I couldn't state particular. Two days I think I had over ninety, and the rest I couldn't tell whether I had over fifty or forty; I didn't count them.

Signature waived.

12 JAMES ROACHE, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name to the notary, please.—Answer. James Roache.

Q. How long have you been in my employ in this Sessinghaus-Frost controversy, either in serving subpoenas or in other respects?

Mr. POLLARD. I object to that, for the reason that no notice has been given to us of the taking of this man's deposition, and I protest against the evidence being taken. If the gentleman insists upon taking this man's evidence we refuse to appear, and do not appear therein.

(Question read.)

A. I expect about three weeks.

Q. You were employed about the beginning of my taking testimony?—A. Yes, sir; about that time, I expect.

Q. And have been engaged all along, serving subpoenas, and doing other work?—A. Yes, sir.

Q. I handed you a list composed mainly of names that were testified to by one J. B. Nichols, a letter carrier whose route is out in the neighborhood of Bellefontaine Cemetery; did you investigate it?—A. Yes, sir.

Q. This letter carrier reported regarding Peter Ennis, of O'Fallon avenue, that he was not able to find him; did you find him?—A. Yes, sir.

Q. He could not find John Powers, on the south side of Bellefontaine avenue and the west side of Bellefontaine road, near Bircher avenue; did you find him?—A. Yes, sir.

Q. Does he live there?—A. Yes, sir.

Q. What else do you know regarding him?—A. Well, I was informed by the neighbors there that he owned his own property there. I don't know how long he has been living there; I didn't see him myself.

Q. Do you know Walter L. Graydon, of the south side of Bellefontaine avenue, between Bellefontaine road and Florissant avenue, whom this conscientious agent of the postal service reported that there was no such house?—A. I know him, sir, for about fourteen years; know him to be living in the house fourteen years.

Q. Do you know this letter carrier also?—A. I do, sir.

Q. Does he know Walter L. Graydon as well as you do?—A. I think he does; he may not know him so long as I know him.

13 Q. Is there a better known man in that section of the country?

—A. There are very few better known than he is.

Q. Hasn't this man delivered mail to him often?—A. That is what Mr. Graydon tells me.

Q. And at that very place?—A. Yes, sir.

Q. Now, why did he come and make that report in regard to Mr. Graydon—that he couldn't find him, or that he was not there, or that there was no such a house?—A. I have no idea.

Q. Is there any explanation for it?—A. I don't know of any.

Q. Do you know what Mr. Graydon's occupation is?—A. He is superintendent of interments in Bellefontaine Cemetery.

Q. And how long has he been such?—A. He has been such about thirteen years to my own knowledge.

Q. Do you recollect whether he was not a member of the Congressional committee here?—A. Yes, sir.

Q. And is probably one of the most prominent residents in the entire route of this letter carrier?—A. Yes, sir.

Q. And a man who would be accustomed to receive a large mail?—

A. He receives the mail for the cemetery principally at that place.

Q. And he lives right here?—A. He lives right here, and the only house for three squares; the only one house.

Q. What explanation, if any, did this letter carrier give you for making such a report in regard to Walter L. Graydon?—A. He made no answer, but laughed when I asked him.

Q. What was the occasion of his laughing?—A. He didn't tell me it was a joke in that case, but in the case of Owens he told me it was a joke. I asked him how he could report Owens as not found, a man who had lived there all his life; he said he had done it for a joke; he had also told his brother about it.

Q. Did he not feel that it was rather a grave joke to make reports of that kind under oath?—A. I didn't ask him that; I simply told him that it didn't look very much like a joke to me.

Q. Did you see Walter L. Graydon himself?—A. Yes, sir.

Q. What had he got to say?—A. He says that letter carrier knows him well enough, better than any man on his route. He knows better than make that kind of report about him; he didn't seem to like it very much. I saw Graydon on yesterday.

Q. Well, he couldn't find C. Bohn, on the southwest corner of O'Fallon avenue and Bellefontaine road; what did you find out in regard to that?—A. I have known that old nigger for, I guess, twelve years; he has been living in Lowell all the time, and down in that portion of the town. Everybody in Lowell and in that neighborhood knows him, and the letter carrier as well, I should think.

Q. Well, now, he sought to rob Robert Maher of his vote, who resides on the north side of College avenue near Fourteenth street; he reported that he was not to be found; what did you ascertain in regard to him?—A. I know that Robert Maher was living on College avenue, but not on Fourteenth street; it is probably three squares west of Fourteenth street; they don't run through—the streets up there don't; they are only on paper; they are not correct there.

Q. How long has he lived there?—A. He has lived there for twelve or fourteen years, anyway, that I know of. I recollect when his house was built.

Q. Do you know how long this letter carrier Nichols has been on this route?—A. I think he has been on it at least two or three years.

Q. Is he in the habit of delivering letters all through this section?—A. That is what I understand is his route.

Q. Does he not know that Robert Maher lives there?—A. I couldn't say; most everybody out in that neighborhood knows Maher.

Q. Letter carriers and other people?—A. Yes, sir; letter carriers and other people.

Q. Now, he also seeks to rob John Owens of his vote, saying that he could not find him in the neighborhood of College avenue and Grattan avenue; what is your information regarding him?—A. I found that he lives on College avenue and Grattan street, and has lived there for over twenty years.

Q. Isn't it likely that this letter carrier would know that fact?—A. Why, certainly he knows that fact.

Q. Is this gentleman the Owens who has been for the last fifteen or twenty years in the sheriff's office?—A. It is his son, sir.

Q. Does this letter carrier know this particular John Owens?—A. Well, I am confident he does.

Q. Is this the gentleman that he said it was a joke to report that he couldn't find him?—A. Yes, sir.

Q. When did he tell you that?—A. About a little over a week ago.

Q. What was the conversation that you had about it?—A. I said, "Nichols, you are a great fellow; how do you make out that you can't find Owens?" He said, "I done it for a joke." I said it was a serious kind of a joke; a man has got to swear to his jokes.

Q. And he was living right there for twenty years?—A. Yes, sir; I know him myself to have lived there for fifteen years of my own personal knowledge. I know him in that neighborhood.

15 Q. This same gentleman made some similar report regarding

George Gunsollis, on the west side of Bellefontaine road, north of O'Fallon avenue; what is your report—what is your report?—A. I saw him and asked him how long he had been living there in that place, and he says he has been living there over two years.

Q. What is his business; do you know?—A. Stock-driver at the stock-yards—Union stock-yards.

Q. Is he or is he not well known in that neighborhood?—A. O, yes; he is well known in that neighborhood; everybody knows him.

Q. Do you not think Nichols knows him?—A. Why, certainly he

him; I think he knows him; I couldn't swear that he knows I have seen him talking to him.

Everybody else up there knows him except this letter carrier?—
s, sir.

Now, he makes the same kind of report in regard to Fred. Young, lives on Third street, between Talcott and Hall avenues; now, did you find out in regard to that gentleman?—A. My information was from Fred. Young himself, that he lived there for a little over at that number or address; he was then constable up there in yard, and was very prominently known in that neighborhood.

The letter carrier ought to be able to find him?—A. I should so; the office of the constable is right on Broadway, which is the eastern boundary of the Twenty-third ward, where the Eighth and Twenty-third comes in. The office is there.

Well, is he well known throughout that circuit of country?—A. Yes; he has been partly residing in Lowell before he came to his present place.

Well, was James Laferty known on the east side of the Bellefontaine road, near Ruth street?—A. I didn't see James Laferty himself; I saw his brother-in-law, who told me that he had been living in the last fall, but came back in October, and has been there ever

He was boarding at 4300 Broadway, and was working at the rolling-mills at present, but he lived there at that address from ever up to about two months since—not quite two months since.

What did you ascertain in regard to John Sweeney, Hall avenue and Talcott street?—A. I ascertained that he has been living there; he is asleep when I was there; he works in the Mississippi Glass works; he is living there with his father and mother.

How long has he been living there?—A. Not in that house very long; but he had been in that neighborhood, within one block of that place, for several years—say, four or five years.

Q. Where does John Finn live?—A. John Finn lives on Pope avenue and O'Fallon avenue; he does not live exactly on O'Fallon avenue; he lives east of the Bellefontaine road for near six years, and owns property there, and was formerly employed in the Bellefontaine cemetery; he is now employed in a foundry down town.

Now, what report have you to make in regard to Thomas Finnerty, Second and Talcott streets?—A. Thomas Finnerty has been living here for three years; he has not lived there steadily that long; he has been working in the southern portion of the city and lived there; but he comes home every Saturday night.

What information did you receive in regard to John Mulqueen, east side of Clarence avenue, between Third and Fourth street?—A. I found that he is living there with his father and mother, and has for some time, in their own property.

Are you personally acquainted with a majority of these individuals?—A. I am, sir.

Do you not believe that Nichols knew these men that he relied on; that he was personally acquainted with these people?—A. Yes, sir; I believe is acquainted with the most of them.

Do you know why he should come in here and give testimony to deprive these people of their right to vote?—A. I haven't the slightest idea why they should do it.

The majority of these people are very well known in that locality?—A. They are very well known.

And you yourself have known many of them for many years?—

A. Yes, sir; I have lived in that ward before it was a ward; when was in the township, and I was a member of the county school board from that district.

Q. Where did this conversation occur with this letter carrier Nichols who made the report on a majority of these names?—A. I think I was speaking to him on one occasion, the morning of the Republican convention; he was a delegate to the convention; I came down on the car with him, and that time I spoke with him; and another time spoke to him on the street; our conversations were very short.

Q. You asked him why and how it was possible that he could make these reports—reports of that character—in regard to these names?—A. Yes, sir; in regard to Owens he said, in his conversation about the man, that it was a joke; he told Ed. about it; that was his brother he done that for a joke.

Q. Did you give him the information that you had obtained in regard to them of your own personal knowledge in regard to those people?—A.

No, sir.

17 Q. You simply stated that he ought to know those people as well as you did?—A. Yes, sir; or even better than I.

Q. And he laughed?—A. Yes, sir.

Q. And that is all the response he made, except in the Owens case where he said it was a joke?—A. Yes, sir.

Q. That was quite a joke not to find a man in a house that he has been living in for twenty years?—A. That was the joke.

Mr. DONOVAN announces himself finished on the direct examination of this witness.

Mr. POLLARD. The contestee never having given the contestant notice of the examination of this witness, we decline to appear in cross-examination, or to cross-examine him, or to recognize him as a witness; and we ask that the testimony he has given be stricken out of the record.

Mr. DONOVAN. This witness has been present day in and day out in this room ever since this examination commenced, and these gentlemen were perfectly well aware that he was going to give the testimony just as he has given it.

Mr. POLLARD. As far as the counsel for the contestant are concerned it is absolutely false; I recognize the gentleman's face; I never knew his name; never knew or received the information from any source that he was to be made a witness on this stand.

Mr. DONOVAN. A distinct notice was given to these gentlemen that this man was to be sent out on this mission to review the canvass made by their letter carrier Nichols, particularizing the very names.

Mr. POLLARD. No such information was intimated or given the contestant or any of his counsel in this matter; we had no intimation of any description that this man ever would be a witness, much less did we ever receive notice of it.

At this point a recess was taken until 2 o'clock this afternoon.

17½

AFTER RECESS.

WILLIAM J. DICKEY, recalled for contestee.

By Mr. DONOVAN:

Q. Mr. Dickey, I wish to ask you regarding some names on the list of Samuel M. Hyatt, a letter carrier, whom you have reported on, as concerning whose names I have not asked you when you were on the stand before. This letter carrier has "not found" or "not known" or

John Lawless, 1328 North Twelfth street; what did you ascertain in regard to him?

Mr. POLLARD. I see you are holding, Mr. Dickey, in your hand a sheet of paper, from which you are about to read your answer to the question; when was that paper written up?

A. I think that was made last Wednesday.

Q. Who wrote it?—**A.** I did.

Q. Where?—**A.** In Mr. Donovan's office; that is, I made the copy in Mr. Donovan's office; that is written on paper I got here.

Q. What is that a copy of?—**A.** A copy of my original report.

Q. When was that original report?—**A.** A portion of it I made on Tuesday, and a portion of it on Wednesday; most of it on Wednesday.

Q. When did you make the examinations concerning which you are asked to testify?—**A.** Well, that is what I am speaking of; that I made the examinations, a few of them, on Tuesday; I believe I made one on Tuesday; that is all.

Q. And the others on Wednesday?—**A.** On Wednesday I made the others.

Q. And this is a copy of that original memorandum, is it?—**A.** Yes, sir.

Q. Where is that original?—**A.** I don't know where it is at present.

Q. Who did you give it to?—**A.** I left it lying in that room.

Q. By "that room" you mean Mr. Donovan's room?—**A.** Yes, sir.

Q. Mr. Donovan is the counsel for the contestee?—**A.** Yes, sir.

Q. When did you leave it there?—**A.** I left it there on Wednesday evening.

18 Q. Last Wednesday evening?—**A.** Yes, sir.

Mr. POLLARD. Now, I object to this document being read in this case by this witness, for the reason heretofore repeatedly stated—and I don't care to go over them again—except that it purports to be a copy of a memorandum. I think it is highly improper for the witness to read his answers from this copy.

By Mr. DONOVAN:

Q. This efficient letter carrier, Mr. Hyatt, could not find John Lawless, 1328 North Twelfth street; what was the result of your investigation?—**A.** I find that Mr. Lawless has been living in the rear of 1328 North Twelfth street since 27th of July, 1880.

Q. He made some similar report regarding John Kenny, 1326 North Thirteenth street; now, did he live there or not?—**A.** Mr. Kenny has lived there in the rear since August, 1880.

Q. What did you ascertain in regard to John C. Stewart?—**A.** Mrs. Stewart told me that they have lived there most of the time for the past two years; they moved away a short time last summer, but returned before cold weather; she could not remember whether it was before or after the election day.

Q. Well, this efficient postal agent swore in regard to James Carroll, jr., of 1324 North Twenty-fourth street, that he could not find him; did you find him?—**A.** I found that Mr. Carroll was born and raised there.

Q. This same letter carrier made a report in regard to Harmon Zittle, of 1310 North Thirteenth street, and appears to have had some difficulty in locating this gentleman; what did you ascertain?—**A.** I found that Mr. Zittle had lived there one year and nine months; I saw Mr. Zittle in person in his store, 1214½ Biddle street.

Q. And he told you that he had been there for over a year at 1 North Thirteenth street?—A. A year and nine months.

Q. Did he understand how the letter carrier couldn't find him?—Unless because there was two Thirteenth streets there; that was only reason he could think of.

Q. And the letter carrier had availed himself of that fact in giving his testimony on the stand?—A. I should presume he ought to know both streets.

Q. They are in the same neighborhood there; on his route?—A. Yes, sir; within a half a block of each other.

Q. Well, mincing the truth, he contents himself with reporting that Matt. Nolan does not live at 1330 North Fourteenth street?

Mr. POLLARD. I object to that question. I have submitted heretofore to the asking of these questions, and have not raised
19 objection; but it seems to me that the counsel is making altogether too much of an assertion which is not true in each and of the instances. I don't want to fill the record up with objections but these questions are certainly impertinent and irrelevant, and statements which he prefaces his questions with are not borne out by the facts on record in this case.

Mr. DONOVAN. The gentleman knows that they are; and the report of this letter carrier in regard to Matt. Nolan is that he does not live at 1330 North Fourteenth street; and he minces his report by making the report simply to that extent; now, Mr. Witness, where does he live?

A. Mr. Matt. Nolan lives at about 1331; it is directly opposite 1330; he has no number on his house; his wife keeps a dress-making saloon there.

Q. This same letter carrier, with all of his facilities for delivering mail, had insuperable difficulty in finding John J. Laughlin, 1226 North Fourteenth street; what difficulty did you have in finding him?—A. I had no trouble at all to find him; he boards there with Mrs. Rierden at 1226 North Fourteenth street, and has been for a year past.

Q. Mr. Dickey, you did some work on this list of negro witnesses who testified they lived at certain places I wish you would look down the list and tell me in regard to those that you investigated and found that they did not live where they swore they lived when they were on the stand.

Mr. POLLARD. I object to that question, because the question is that the witness look down and read from a list which is handed to him by the counsel for the contestee with the answers already prepared; and because no paper has been shown to us whereby we can ascertain who are on that list, or how many of them were witnesses, whether or not he is required at the places where the witnesses swore they lived, and because it is wholly and absolutely immaterial and irrelevant, because it is incompetent, because it is secondary or hearsay evidence, the best evidence being those witnesses themselves as to their residence.

Mr. DONOVAN. Inasmuch as these men would lie a second time if they did the first time, I only wish to ask you in regard to these few names; it is only a part report, and if the counsel for the contestant desires to satisfy himself on the paper that you are about to testify to, he is at liberty to ask you such questions as he pleases.

Mr. POLLARD. The first question I will ask you, then, is
20 let me examine that paper.

Mr. DONOVAN (to the witness). Let him have it.
(Witness hands the paper to the counsel for the contestant.)

Mr. POLLARD. That will do. (Returning paper to witness after inspection.)

By Mr. DONOVAN :

Q. Please tell me where you found the witnesses who swore that they lived at certain places ?—A. Well, I believe about the first man I looked for was H. W. Peck, 1009 North Eleventh street in the rear ; Mr. Werner owns that property, and has lived there for five years ; his step-daughter told me that no such party had ever lived there. I inquired at 2014 Biddle street for Moses Page and saw a colored man, or rather a colored woman who told me that she thought he was there about five days in November ; that he lived somewhere on the levee ; he boarded with a lady there ; that is all I could find out about him.

Q. He boarded there about five days in November ?—A. That is all I could find out.

Q. And was a levee roustabout ?—A. She said he was somewhere on the river ; run on the river.

Q. What other witness did you examine in regard to his residence ? —A. I inquired at 1316½ North Eleventh street, in the rear, for John Price ; he did not live there ; I found his wife, though, living at 1323, where he resided also ; she said they moved there some two or three weeks after the election. I inquired at 922 Biddle street for Horace Carter ; I couldn't find anybody that knew him at all ; I inquired at the same place for Robert Johnson, but could not find him. I inquired at 520 Biddle street for William Washington.

Q. What did you ascertain in regard to him ; he swore he lived there ?

—A. Mr. Thomas Shea keeps the coal yard there ; he says he has been there for the past six years, and that no such man ever lived there or in the neighborhood ; to his knowledge he certainly never lived there.

Q. Do you know whether or not this man was a negro, or whether or not all of these men were negroes ?—A. I think they were all negroes ; I don't know.

Q. You only know from my statement ?—A. That is all. I inquired at 1121 North Twelfth street for Ed. Caldwell ; I couldn't find anybody that knew him ; so I just made a memorandum that nobody knew him.

Sam. Scott, 920 Carr street ; there is no such number as 920 Carr street ; 920 would be in the yard of the college there on Tenth street.

Q. The dispensary ?—A. The Western Dental College ; or else it would be in the back yard of the grocery on Ninth and Carr ; I inquired at the grocery on Ninth and Carr, and the man said he didn't know any such person. I inquired at 1110 North Tenth street, in the rear, for Thomas Gates ; I could find no one that knew him ; so I just made a memorandum that he didn't live there. I inquired at 1000 Carr street for Charles Post ; there is a vegetable store there ; the woman who keeps it said she never heard of any such person ; he certainly never lived there. I think that is about all.

Q. You only made a partial investigation in regard to this ?—A. Yes, sir.

Q. And expect to continue your work beyond this time ?—A. I expect to finish it up if I have time.

Cross-examination by Mr. POLLARD :

Q. When did you make this examination of these colored witnesses ?

—A. Well, I made them at various times, whenever I had an opportunity.

Q. You had that whole list with you all the time?—A. Not all time, no.

Q. When you are making it?—A. I had it very often, though.

Q. Did you have it with you when you were making this examination of these colored men?—A. Yes, sir; I had the memorandum.

Q. And you had this list with you all those times?—A. Yes, most of the time.

Q. That whole list?—A. That whole list.

Q. Containing over one hundred and sixty names?—A. I don't know how many it contained; I never counted it.

Q. Now, I wish you would look at that list and tell me how many names it does contain.—A. I don't know how many there are, unless I count them. (After counting.) I don't count but one hundred forty-five.

Q. Is that the same list that the witness Anderson had?—A. I couldn't say.

Q. Out of those one hundred and forty-five you discovered that of them did not live at the places designated on that list?—A. I don't go through them all; I just took them now and then as I opened to be in the neighborhood where they were. I made a memorandum on the list.

Q. When did you make this examination of those negro witnesses and their residences?—A. I made it at various times; I made it yesterday.

Q. Well, various times covering what time?—A. Covering, possibly two weeks.

Q. When did you make this canvass concerning the first seven names which you testified about?—A. Well, I couldn't state exactly when it was some time within two weeks.

Q. Who did you see at 1328 North Twelfth street?

WITNESS. This is the list you speak of?

COUNSEL. Yes, this one.

A. I made that Wednesday.

Q. The canvass I asked you about—when you made that?—A. I made a portion of it on Wednesday, and Lawless, I believe, was the only one I made on Tuesday; the balance I made on Wednesday.

Q. Who did you see at 1328 North Twelfth street?—A. I saw John Lawless.

Q. Who did you inquire for there?—A. I inquired for John Lawless.

Q. What did Mrs. Lawless tell you?—A. She told me that he was living there since the 27th of July, 1880, in the rear.

Q. How many men were living there by the name of Lawless?—A. I don't presume there was any more; I don't remember.

Q. You didn't make inquiry for Jacob Lawless?—A. No, sir; I didn't.

Q. This woman's husband whom you saw—his name was John Lawless?—A. Yes, sir. She told me how to spell it.

Q. How do you make your testimony correspond with that of Mr. Furay? That gentleman having testified on the behalf of Mr. Furay that no man by the name of John W. Lawless had lived there; that a man by the name of Jacob Lawless lived there?—A. I don't know anything about it. I saw Mrs. Lawless; I know my report, if she is the truth, is correct; I presume it was Mrs. John Lawless from the fact that I inquired in the house in front, and they told me that he lived back in the yard there; I went back in the yard, and the lady was at market; I waited until she returned, probably fifteen or twenty

utes, and I guess it was Mrs. John Lawless, because the little boy ran out on the street and brought her in.

Q. Then, if Mr. Furay did swear that no man by the name of John Lawless did live there, but that a man by the name of Jacob Lawless lived there, he was either mistaken or swore to a lie?—A. I think he was probably badly informed on the subject.

Q. Well, now, who did you see at 1226 North Thirteenth street; what person did you see there?—A. I saw Mrs. Kenny.

23 Q. Did you ever see her before?—A. I never saw her before.

Q. Did you see any other person there from whom you elicited any information?—A. I inquired in 1326 for John Kenny, and they told me that he lived in the rear; I saw a little boy and asked him where John Kenny lived; he showed me the house, and I went to the door and asked if Mr. Kenny lived there—Mr. John Kenny, and she said "yes;" I asked her then if she was Mr. Kenny's wife, and she said "yes."

Q. And then she told you that they had lived there since about last August?—A. Yes, sir; that is what she told me.

Q. Now, what street is that in the rear of, Thirteenth or Fourteenth street?

WITNESS. That is in the rear of 1326? It is in the rear of Thirteenth street. It is on the east side of the street—east side of Thirteenth street, in the rear.

Q. And you did not inquire in the rear of 1326 North Fourteenth street?—A. No, sir; I did not.

Q. You are sure of that?—A. Yes, sir; I am sure of that, because in the first place I went to 1326 and found it.

Q. And you know now that John Kenny who registered from No. 1326 North Fourteenth street, does not live there, but does live at 1326 North Thirteenth street?—A. I know he lives at 1326 North Thirteenth street; I don't know whether he registered from Fourteenth street or not. I never asked. That is what my list called for. So I went to Thirteenth street.

Q. Did you find any such number as 1330 North Fourteenth street?

A. I found such a number, but there is a large yard at 1330.

Q. Well, is there any house in that yard at what should be number 1330?—A. It is full of houses; the number is over the gate; the entrance to these places is through a sort of courtway; they are tenement houses.

Q. Then, there is such a number as 1330 North Fourteenth street; then, if Mr. Jones, who was a witness for Mr. Frost in this case, and was on the same errand with yourself, testified as he did, that there was no such number as 1330 North Fourteenth street, he was mistaken, was he?—A. As I stated before, the number was over the gate, and the entrance to these houses is through this gate. I don't know what the numbers of the separate houses are.

Q. There is a house there which if properly numbered would be 1330?

—A. I think it would.

Q. And you found him living at 1331, across the street?—A. About that number; there is no number on his house, on the house of Matt. Nolan.

24 Q. Do you know whether or not this man who on election day went to the polls and registered himself as Matthew Nolan, and gave his residence and wrote it himself as 1330 North Fourteenth street?—A. I don't know, sir.

Q. Did you inquire at 1330 North Fourteenth street?—A. Yes, sir; I did. I think they told me he lived right across the street.

Q. They told you, did they not, that there was no such man living at that number?—A. I inquired in that yard as I stated before, for Mr. Matt. Nolan, and they told me he lived right across the street; there was no number on the house.

Q. You saw Mrs. Rierdon, did you, at 1226 North Fourteenth street?—A. Yes, sir.

Q. She said that this man John J. Laughlan had been living there for about one year?—A. Yes, sir; Mr. John J. Laughlan had boarded there for a year past.

Q. Did she tell you anything more than that?—A. I never asked her any more than that; I asked her first if they lived there; she said "yes;" then I asked her how long this man had been there, and she said he had boarded there that length of time.

Q. Did you ask her whether he slept there or not?—A. No, sir; I did not.

Q. And you don't know of your own knowledge, do you?—A. No, sir. I presumed if a man boarded there that he slept there.

Q. That is simply a presumption on your part?—A. A very natural one.

Q. Don't you know a great many men who take their meals at one place and sleep at another?—A. I don't call that boarding at one place: I call where a man sleeps his boarding place.

Q. Whether he ate at another place or not?—A. Yes, sir.

Q. Whether he got his board at another place or not?—A. His home is where he sleeps and has his trunk.

Q. You would consider him a boarder if he never took a meal there.—A. I don't know exactly. If you wouldn't call him a boarder, I don't know what you would call him.

Q. Well, you inquired for this man Peck, who was a witness on the behalf of the contestant, at 1009 North Eleventh street?—A. Yes, sir.

Q. And did not inquire for him at 1109?—A. No, sir.

Q. Notwithstanding the fact that he swore when he was on the stand that he did reside at 1109?—A. My number here shows 1009 North Eleventh street, and that is where I inquired.

Q. And you made no inquiry for him at 1109?—No, sir.

25 Q. Between what streets is 1009 North Eleventh street?—A. Between Wash and Carr streets.

Q. Well, now you found that Moses Page had lived at 2014 Bidwell street for five days in November?—A. That is what a colored woman told me; she lived there.

Q. Did she tell you what days in November he lived there?—A. No, sir; she said he lived there about five days in November.

Q. Did you infer from what she said that he had lived there five days before November the 5th, or that he simply came there and staid five days, and that those five days were in November?—A. I imagined he had come there five days in November.

Q. That is simply imagination on your part, is it?—A. Yes, sir.

Q. Her statement to you was that he staid there for five days in November?—A. Yes, sir.

Q. And this man John Price has a wife who is now living at 1323, and she moved there some two or three weeks after the election?—A. Mr. Price lives there also; you made a mistake in your memorandum, I guess; yes; he moved there two or three weeks after the election.

Q. What other information have you there?—A. "His wife says they

moved here, 1323 North Tenth street, two or three weeks after the election in November."

Q. You didn't see John Price?—A. I saw John Price's wife.

Q. And she is a colored woman?—A. Yes, sir.

Q. And that is all the information you have got?—A. What I have read to you is all I have.

Q. Is that all you know on the subject, one way or another?—A. That is all I know.

Q. Now, how many inquiries did you make for Horace Carter, 922 Biddle street, and where did you make those inquiries?—A. I made them at 922 Biddle street; I found nobody that knew him, so I just put down the memorandum "he don't live there."

Q. Is that all you know about it?—A. That is all I know about it.

Q. You don't know how long the people who now live at 922 Biddle street have lived there?—A. No, sir.

Q. They are colored people?—A. Yes, sir; two or three families of them.

Q. You do know as a matter of fact, do you not, that these colored people living in the rear of these places are tenants who abide a very great length of time in one place, generally, do you not?—A. As I understand your question, I must say I don't know; sometimes they live a good while in one place; I don't know about these down town here; but I know that in my part of the city they do live a long while in one place.

Q. Did you make any inquiry for William Washington, except at 520 Biddle street?—A. I didn't make any inquiry at 520 Biddle street, because there is a high fence there; I don't think there is any house; I saw one little boy there; I saw a woman who kept the coal yard up there, and she says she never heard of any such party living there; she has had this coal yard there for six years; I thought that was pretty good information.

Q. You didn't inquire on Biddle between Ninth and Tenth streets?—A. No, sir; I did not.

Q. Notwithstanding the fact that in his testimony he swore that he resided on Biddle street between Ninth and Tenth streets?—A. I don't know where he swore he lived; my memorandum says 520 Biddle street, and I went there.

Q. But you, after the most diligent search, after the most painstaking search, could not find any man by the name of Edward Caldwell at 1121 North Twelfth street, nor could you find any man in that neighborhood, or any woman thereabouts, or any child in that section of the city who had ever heard or knew of any such individual bearing that or a similar name?—A. I only inquired in the yard there at 1121 North Eleventh street, and they told me; I asked two or three families upstairs and down-stairs; I asked them, and they stated that they did not know him; I didn't suppose it was my business to search all around the neighborhood for six or eight blocks, when my memorandum called for 1121.

Q. Are you prepared to swear that this man does not live and has not lived at this number?—A. I couldn't find him.

Q. What have you to say about the truth and verity of that man who went onto the witness stand yesterday, on the behalf of the contestee in this case, the same side that you are testifying on now; who did swear that that identical man, Ed. Caldwell, had resided there and has resided there for the last several months at that particular number;

that he saw him and had a conversation with him, and detail conversation at length?—A. I don't know anything about him quired there; I know that.

Q. When did you make that inquiry there?—A. I don't remember when it was; it was probably a week or ten days ago.

Q. Some time in the latter part of last March, was it?—A. Yes, I think so.

27 Q. Now, which is it; are you mistaken or has he lied?—A. Well, I may be mistaken about my information; I could find any such person from the inquiries I made.

Q. And you are scarcely satisfied that he told a willful, malicious deliberate lie, when he said that he found the man exactly at the place and had had a talk with him?—A. All I have to say is that I could not find him; I don't know what somebody else might do.

Q. On the 24th or 25th day of last month, do you believe that he resided there at that time?—A. I don't know anything about it; I could not find anybody in the yard that knew him.

Q. And you couldn't find anybody there that knew anything about him?—A. They didn't know anything about him; I didn't see how I could suppose from the way they talked that they had ever known him.

Q. Where did you inquire for Sam Scott?—A. I inquired for a grocery there on the corner of Ninth and Carr streets, if Sam Scott lived in the rear of his place, and he said he didn't know any such number there was no such number there.

Q. What other information did you get about it?—A. The gentleman that keeps the grocery, I disremember his name, told me he didn't know any such man; I asked him if he knew any one in that neighborhood that name; he said he did not know of any party of that name living in that locality.

Q. Did you make inquiry for him anywhere else?—A. No, sir, I did not.

Q. You did not go to the place where he swore when he was standing, he lived?—A. I went to 1118 North Eleventh street to see if he lived there.

Q. For whom?—A. For this man whom we are talking about, Sam Scott; no, you have got me mixed up; I didn't inquire for Sam Scott at 1118 North Eleventh street for Sam Scott.

Q. Now, in regard to Thomas Gates, you say that nobody told him, and consequently you make a report that he did not reside there?—A. I inquired at 1110 North Tenth street, in the rear, and I could not find anybody that knew Thomas Gates, and I made that memorandum accordingly, that he didn't live there.

Q. And that is all the memorandum you have got, that he didn't live there?—A. My memorandum reads, "doesn't live there."

Q. And that is all the inquiry that you made?—A. I think that is all the inquiry I made for Thomas Gates.

Q. And that is all you know about it?—A. And that is all I know about it.

Q. Everything?—A. Yes, sir; that is all I know about it.

28 Q. You don't know whether he lived there two, or three, or four weeks, or five weeks ago—before the election or not?—A. No, sir; I do not.

Q. Nothing about it; how many on that list of one hundred and fifty did you inquire for?—A. I don't remember; I just picked them up at various times; as I happened to be in the neighborhood of them I would go in and see them, see if they lived there.

Q. You inquired for three-fourths of the list; did you not?—A. No, sir; I did not.

Q. What proportion did you inquire for?—A. Well, probably from twenty-five to thirty; I don't remember more than that.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Monday, April 11, 1881; then to be continued at the same place, at the hour of half-past nine o'clock in the forenoon.

FRANK KRAFT,

Notary Public, City and County of Saint Louis Mo.

Term expires March 13, 1882.

No. 48.

Pursuant to adjournment, as above stated, on the 11th day of April, 1881, at the hour of half past nine o'clock in the forenoon, I continued the taking of these depositions, as follows:

1 ENOCH C. JONES, recalled by the contestee.

By Mr. DONOVAN:

Question. Mr Jones, it appears that G. W. Snyder was specially registered in precinct 74 from 2113 North Twelfth street; did you endeavor to ascertain where that gentleman lived?—Answer. I found no party of that name living there for five or six years; a William Sinclair has lived there about three years; that is all the information that I got there.

Q. J. C. Boyd registered in precinct 74 on election day from 2418 North Thirteenth street; what did you ascertain in regard to him?—A. Well, I learned that a man named William Boyd lived there since fair week—that is the fore part of October, the parties who gave me the information, said he was called William Boyd; there was no J. C. Boyd. I got the information in that way, and put it down so.

Q. In the same precinct, J. R. M. Bryant registered from 2519 North Twelfth street; what are the typographical features in regard to his case?—A. I learned that there was a T. J. Bryan living at 2515 North Twelfth street.

Q. One F. W. Warning, registered at the polls from 2519 North Twelfth street, the same number as the last; what did you find out in his case?—A. 2519 North Twelfth street; lived there since first of November; that is all the information I got there.

Q. In precinct 73, one Peter Phelps, registered from Warren, on the north side, between Ninth and Tenth streets; you sought for him, could you find him?—A. I couldn't find him.

Q. In this same precinct 73, there was registered at the polls one Samuel Ales, 922 Warren street; if you sought for him, please tell us what you could find out in regard to him?—A. No such number, that I could find; "no such number; can learn nothing about him."

Q. In precinct 85, one Robert Brenner registered from 4030 North Tenth street; have you investigated in regard to him; please give us your report?—A. Has not lived there since October 14th last; that was the information I received.

Q. In precinct 85, one Y. R. Marsteller registered from 3709 North Ninth street; what is your report in this case?—A. He left before the election, as near as I can learn; I couldn't learn anything more definite than that.

Q. In the same precinct, one Abone Harvey, 4020 North Seventh street, registered from there; what did you learn about him?—A. Well, I couldn't find that number; I inquired around on Seventh street,
2 but I don't think the numbers run up that far; I inquired at the police station there, 4020. I think there is no street runs through there, in that neighborhood, between Broadway and Tenth street.

Q. A negro by the name of Levi Toles registered at precinct 142 on election day, from 1506 Chambers street; how long had he lived there?—A. Well, as near as I could learn since a week or more before the election; I couldn't learn definite; but say a week or more before the election.

Q. A man by the name of Fred F. Von Behren, specially registered at the polls on election day in precinct 149, from 1612 Saint Louis avenue; what is your report regarding that case?—A. I learned that Mr. Louis Von Behren lives at 1610, the old number—the present number is 1612—for eleven years. This Louis Von Behren lives there. This Fred. Von Behren, or Ferd. rather, so I was informed—Ferd. Von Behren left over a year ago; that was the information I obtained there.

Q. One John J. Schmidt registered in the same precinct at the polls, and of course, fairly, from 1624 Montgomery street; what did you ascertain regarding him?—A. Nearly two years since he moved; I ascertained that.

Q. In precinct 153, there appears to have been registered one Tim Hein from 2111 Saint Louis avenue; what are the typographical features of that peculiar case?—A. Well, I understood that there was a Tim Hyde, as near as I could learn; Tim Hyde lived there for three years; he left about the twenty-first of March last—this last past March.

Q. And do you know whether Tim Hein and Tim Hyde, are the same person or not?—A. I don't know.

Q. Or whether it is a misspelling of the name?—A. It is probably a misspelling of the name; that is probably the way of it; that was all the information I received. I think the name, instead of being Tim Hein, should be Tim Hyde.

Cross-examination by Mr. POLLARD:

Q. When did you make this examination, Mr. Jones?—A. I don't know about what time it was; may be a couple of weeks or so ago.

Q. Why didn't you give this testimony when you were on the stand two or three days ago?—A. Well, I had made a list of this, and Mr. Donovan didn't have the paper before him.

Q. When did you make this list?—A. I have not made a list of it. Mr. Donovan has taken the envelopes as I brought them back; I have made no list of them. I simply made the memorandum on the
3 face or back of the envelope at the time of receiving the information.

Q. How long since you made those memorandums from which you have read this morning?—A. I made them at the time that I went to those places and obtained the information. When I would inquire for a party, I would try and get all the information I could; then I would make the memorandum there in the presence of my informant.

Q. Now, have you given all the information here that you obtained in regard to these various parties, regarding whom you testified this morning?—A. Well, I might have omitted something here and there but not intentionally. I won't be sure whether it was all I received, but I tried to make my memorandum in exact conformity with the information received. I know that to be true, as to their living or not living there.

Q. You don't know any of them personally?—A. No, sir; I don't think I do.

Q. You have given all the information which you have about each and all of them?—A. That is, in regard to their living at those places as far as I know about them; as far as I remember at present, that is all.

Q. That information you elicited by making inquiry, in most instances, of ladies, did you?—A. Or whoever came to the door; principally their wives.

Q. Of course I wouldn't ask whether they were their wives.
Q. In each instance you went to that place for the express purpose of ascertaining whether that particular individual had resided there on and

before election day ?—A. I went there to see if he lived there at all. If he did, how long he had been living there. That was my object.

Q. And you stated the object, on your going there, did you, to each and every one of these people ?—A. Not always. I inquired how long they had lived there. If they said it was only for a short time, I would ask them had they lived there in the early part of the month of November or October, early or late, so as to get it somewhere near.

Q. How many people did you inquire about in order to make this list ?—A. Well, I think several more besides those ; but I found the parties living there. These are the parties I did not find, or some difference in the name, or some difference in the number.

Q. Are you still engaged in this canvass ?—A. I am not.

Q. Have you now testified to all that you propose to ?—A. That is all I can think of at present ; unless Mr. Donovan should have something else for me to do. I don't know.

4 Q. You took particular pains, did you not, to ascertain the politics of these people ?—A. No, sir ; I did not.

Q. Don't you know, as a matter of fact, that a large proportion of these thirteen men, whose names you have given this morning, are Democrats ?—A. No ; I don't know, I am sure, of my own knowledge. There is very few instances where I spoke of politics, and I don't now remember that I asked that in any case. I went to see if the parties lived there. I had some other excuse besides politics.

Q. Isn't that your judgment that these men are Democrats, each and all of them ?—A. I don't know.

Q. You haven't any judgment on the subject ?—A. Not about politics, either party. In regard to these names, I don't think that I asked any of them whether they were Republicans or Democrats. I only went, as I have stated, to ask if they lived there, and made my memorandum accordingly.

Q. And you didn't make any inquiry, and you don't know, of your own knowledge, and you have no information, otherwise obtained, as to whether these individuals lived at any other place than that designated ?—A. There is one instance ; I did have other information ; the von Behren case ; a party told me that there was a Ferd von Behren living on some other street, Market street, or somewhere ; but I didn't follow him up ; so I gave you the information that he left over a year ago, and, of course, I didn't go to look for him over there.

Q. With that one exception you made no inquiries, and have no knowledge obtained from any source whether any of these individuals lived at any other place than that designated on your list ?—A. Well, now, I wouldn't be particular about that. If I was informed that a man was living on the next street, I would go there and get the information how long he had lived there, and also at this other number, if he had ever lived there, and if he told me that before moving to his then residence he had lived at another one since leaving the number at which I was looking for him, I would probably go to that place and verify his statement.

Q. Did that incident occur with regard to any of these thirteen men, except this von Behren ?—A. It might have occurred in this Bryant matter, but I wouldn't be positive about it. I might have got the information in regard to Bryant in that way. I am not positive of that.

Q. Well, you didn't inquire, then, for Mr. Snyder at 2513 North Twelfth street ?—A. No, sir ; I did not.

Q. Notwithstanding the fact that he was registered from that place and not from 2113 ?—A. No ; I didn't look at 2513.

Q. You don't know where this man registered from?—A. No, sir; I don't know that in any one instance. I might have ascertained that, I suppose, without much trouble, but I didn't; I wouldn't be positive whether I knew they were registered or not.

Q. You didn't copy the addresses from the special registration list on those envelopes?—A. No, sir; I did not.

Q. And you don't know who did?—A. Not of my own knowledge; I took these envelopes with a lot of others.

Q. And you don't know, in any one single instance, whether they were copied correctly or incorrectly?—A. That I don't know; I didn't copy them.

Q. And when you answered to a question propounded by Mr. Donovan, in which question he stated that a certain individual had registered from a certain number, you didn't, by your answer, give assent to that proposition, as I understand it?—A. I don't know whether they registered from there or not, unless these numbers should be the places. I don't know, because I am not acquainted with them.

Q. You did find a William Boyd at 2418 North Thirteenth street that had lived there since fair week?—A. William Boyd lives there since the fair week; that is the information I obtained; that is, that there was a Mr. Boyd around there, but his name was William Boyd; that is how I obtained the information.

Q. It is a fact that William commences with a W, and if a man was registered on election day from that number as J. W. Boyd his middle name is probably William, and that is the man about whom you ascertained this information?—A. I inquired for J. C. Boyd; that is the man for whom I inquired.

Q. You didn't inquire for J. W.?—A. I inquired for Boyd, and was told that a man who was called William Boyd lived there; of course I didn't inquire anything further about it.

Q. Well, you inquired for J. R. M. Bryant at 2519 North Twelfth street?—A. I couldn't tell whether it was 19 or 15 that I got my information from.

Q. You didn't go up on Thirteenth street and inquire for him?—A. No, sir.

Q. Notwithstanding there is no such man registered by that name from 2500, or anything on North Twelfth street, but did register from 1912 North Thirteenth street. You don't know anything about that?—A. I didn't look for him only on Twelfth street, and my information was that he was not at 2519, but that there is a T. J. Bryant living at 2515, and had been living there some years; I think he stated his name to be T. Bryant.

Q. Now, did you give us all the information which you have concerning Mr. Warning?—A. Lived there since November first, at 2519 North Twelfth street; I don't know anything particular about it.

Q. That is all you know about it?—A. Yes, sir; that he has lived there since the 1st of November at 2519 North Twelfth street; that is all I can remember about it.

Q. You don't know where he moved from to that place?—A. No, sir.

Q. And don't know whether he was living in that district before he moved to this place?—A. No, sir.

Q. Did you see the man himself, or don't you remember that either?—A. I don't remember that; that was the information I received there.

Q. Well, this man Samuel Ales—A. There is no such number as 922 Warren street.

Q. Then, you could learn nothing further about that?—A. I could learn nothing further about that.

Q. Who did you ascertain had left 3709 North Ninth street before the election day?—A. As near as I could learn—

Q. Who was it?—A. Y. R. Marstella, or some such name as that; that was the name I remember inquiring for.

Q. And this was the only individual, then, that you inquired for there, was it?—A. That name, yes, sir; Marstella; I must have inquired for that name.

Q. And you didn't inquire for any other name?—A. I may have had some other name to inquire for, and might not have found him. I don't know about that—at that number; that he has left before the election is as near as I could learn about this man.

Q. And he is the only man concerning whom you have that information, is he not?—A. Regarding that name, yes, sir; I suppose it is.

Q. Now, who did you get that information from?—A. That I can't tell; 3709 North Ninth street; I might have got it from some of the women folks about there; I don't know who it was.

Q. Nor where?—A. I got it at that number, 3709, I suppose; that was where I was directed to go.

Q. Now, you did not inquire for a man named Mantilla, did you?—A. No, sir; I don't think I did; that is spelled entirely different.

Q. Did the parties whom you saw there tell you how long they had lived there?—A. I don't know; I don't remember that name Mantilla = Marstella is the name I inquired about.

Q. Well, you inquired for a Mr. Harvey—Abone Harvey—at 4020 North Seventh street?—A. No, sir; I did not inquire for him there, because there is no such number; I couldn't find that Seventh street come in there.

I inquired, I think, at the police station, and they would be able to know; I think I made the report here there is no such number.

Q. You made inquiry for him at another place, did you, or did you inquire for him at no other place except at that police station, and not being able to find him there you ceased your inquiries?—A. No; I think at the police station that some one looked in the directory to find him, but couldn't find him.

Q. Do you know whether North Second street runs as far as North Seventh street?—A. I couldn't say how far it does run.

Q. You are not prepared to say but what there is such a number North Second street?—A. No, sir.

Q. You didn't inquire for him in that region?—A. No, sir; I was looking for North Seventh street.

Q. Now, did you give us all the information which you had in regard to Levi Toles?—A. Well, I saw two colored women on the steps, as near as I can remember; they said they hadn't lived there long; I tried to see how long before the election; I probably asked a week or more, and they said "yes;" I asked again had this man lived there at that time, and they said "yes;" so that, as near as I can come to it, he lived there a week or more before the election.

Q. And that he had lived there that long?—A. Yes, sir.

Q. And that is all the information that you have concerning him, isn't it?—A. Yes, sir; they told me if I would wait I could see him; I couldn't wait.

Q. And that is all the information that you have concerning his residence at that place?—A. Yes, sir.

Q. And that was 1506 Chambers street?—A. 1506 Chambers street.

Q. You don't know of course where he lived before he moved there?
—A. No, sir; I do not.

Q. You did find a man by the name of Louis von Behren at 1612 Saint Louis avenue, at what formerly was 1610, but is now, and has been for some time past, 1612?—A. As near as I could learn, yes.

Q. And you also learned that a man named Ferd. von Behren left that number about a year ago and moved to Market street?—A. Left over a year ago; she said he went to Market street somewhere, but I didn't take the trouble to go over there to look for him when she said that he had been gone from this number over a year.

Q. He moved on to North Market?—A. I won't be sure; perhaps it was North Market.

Q. And that is right in that immediate vicinity?—A. Well, I suppose it is some streets this side of that part of the city.

Q. It is two blocks from there as a matter of fact?—A. I couldn't say how far it is.

Q. Where did you inquire for this man Tim Hines?—A. 2111 Saint Louis avenue.

Q. Now, which did you inquire for, Hines or Hyde?—A. I inquired for Tim Hines, and was informed that Tim Hyde had left this place since the 21st of March, and that he had lived there for about three years.

Q. It is a fact that this man, whatever his name may be, when he registered on election day did not write his own name?—A. Well, I don't know.

Q. But simply made his mark; now, isn't it probable that in so making his mark, inasmuch as the two names are almost *idem sonans*, the individual who made his mark, or who wrote his name for him, made that mistake?—A. It might have happened that way; I don't know.

By Mr. DONOVAN:

Q. What do you know about these probabilities and possibilities of a man writing his name or making his mark on election day; do you know anything about that?—A. I know nothing, of my own knowledge, regarding it.

Q. Do you know anything about the probability or possibility of about three or four hundred names that they have asked for on the direct examination, whether the same was or was not true that they were misspelled and misprinted, and that such misspelling and misprinting occurred just in the same way?—A. It might occur sometimes that a person didn't speak plain, or spoke too low to be distinctly heard, and the person writing might not catch the right sound.

Q. And that would be true in both name and number?—A. In both name and number; yes, sir.

Q. Then it is possible that Tim Hines's name might be spelled Tim Hyde, and Tim Hyde's name might be spelled Tim Hines, and, in short, all sorts of possibilities might occur in that regard; isn't that the fact?—A. It might occur that the speaker said Tim Hyde, and the writer did not hear it that way.

Q. But if your name was printed wrong or placed on the registration list wrong, you do not think that for that reason you ought to be disfranchised?—A. Well, I don't know; I couldn't tell about the registration or poll book; I know nothing about that.

Q. I am only asking you these questions because Mr. Pollard is fond of going into possibilities, and we might as well indulge in a few possibilities on our side; and your judgment on that question is not

worth any more than any other respectable, fair-minded gentleman's is it?—A. No, sir; I don't think so.

By Mr. POLLARD:

Q. It is a fact, is it not, Mr. Jones, that on election day those who registered, and registered at the polls, did then and there either write their names themselves, or, if they couldn't write, get someone to write it for them?—A. I do not know; I don't remember of ever seeing anybody write his name or register at the polls; all the business I had to do at the polls was to deposit my vote and go home what was the way of doing matters in that precinct on election day, am ignorant.

Q. You go and deposit a straight Democratic ticket?—A. I have done so; I may change after a while, for I am always on the losing side. I know nothing about the registration business; when I registered, it was some years ago, and at that time, I suppose, there was a precinct for me to register in in my ward; it was several years ago when I registered in the Eighteenth ward; that is all I know about registering just to go and give in my name and residence.

Q. Well, you found out, when you went to vote, that your name was printed on the list or poll book, did you not?—A. It was on the list, because a man was looking for it.

Q. On a printed list?—A. I won't be positive whether it was a printed or a written list at this last election.

Q. Don't you know, as a matter of fact, that everybody who has registered prior to the election, and is properly registered, and is not by this Democratic machine called the revising board improperly stricken off, or fraudulently or illegally stricken off, that his name appears on printed list; whereas those who go to the poll on election day who have never before registered, and who then and there register, write their names themselves if they can, or if they can't they get some good Democrat, who is always ready and willing, at the polls to write it for them and to make as many errors as possible, if the voter happens to be a Republican?

Mr. DONOVAN. I object to the question because it is so utterly frivolous, inasmuch as this gentleman has said that he has no familiarity with the machinery of a polling station; is not acquainted with election laws, and all that he knows in regard to it is to go and cast ballot; and when asked whether or not he knew anything in regard to these very matters, he distinctly told the counsel that he did not; it is folly beyond comparison to consume our time by asking this witness who claims not to be an expert, in regard to these questions.

A. No; I know nothing about the registration affairs at the polls. I don't remember of ever seeing a man register at the polls.

Signature waived.

10 RICHARD WALSH, called by the contestee's counsel, is sworn on his oath, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Mr. Walsh, what official position did you hold in the fall of last year, say on November 2d?—Answer. Register of the city of Saint Louis.

Q. Did you have charge of the poll books for the election of November 2d, 1880?—A. Yes, sir.

Q. Were they returned to you after the election?—A. Yes, sir.

Q. With the reports made by the judges and clerks in accordance with the law?—A. Yes, sir.

Q. Was the special registration made at the polls also returned to you?—A. They were returned to my office, sir.

Q. You have those books here now, or some portion of them?—A. Yes, sir; these special registration lists were returned by me to the recorder of voters; they were brought to my office and I turned them over to him.

Q. You have also a list of special registration made in these books?—A. They are in some; in some they are not; you will find them in some.

Q. Well, I wish you would turn to poll book No. 72, and inform me whether you find upon the list of voters registered at the polls the name Peter Merkel?—A. Yes, sir; I find him here.

Q. What do you find opposite to his name?—A. I find the word "voted" and "51."

Q. What does "51" mean?—A. Well, I don't know, except that it is a number of the ballot, I suppose.

Q. Is there any other number opposite his name?—A. 916 Madison street; yes; there is a number here—303. That is in front. Number of the ballot is 51, and marked voted; registration number, 303.

See what you find in regard to the name of Fred'k William Gebeke.

A. Gehrke; I find him marked here voted; number of ballot, 78; residence, No. 827 Madison street; registration number, 306.

Q. What do you find in regard to the name of James B. Davis?—A. Marked, "voted;" number of ballot, 136; residence, No. 2002 North Tenth street; registration number, 310.

Q. What do you find in regard to Charles T. Weightman?—A. Ballot number, 163; residence, 822 Madison street; registration number, 311.

Q. What do you find in relation to W. Reichmann?—A. Marked, "voted;" number of ballot, 202; number of residence, 822 Madison street; number of registration, 318.

Q. What do you find in regard to John Dorcy?—A. Marked "voted;" ballot number, 255; residence, 2223 North Tenth Street; registration number, 326.

Q. Now, I wish you would turn to poll book No. 73, and the special registration list attached thereto, with the report of the judges, and see if you find anything opposite the name of P. Phelps, Warren street, between Ninth and Tenth street?

Mr. POLLARD. I object to that; I discover on looking on these books that the names which the witness is called upon to read are only copies; it is true, is it not, Mr. Walsh?

A. Yes, sir.

Q. And these names are copied from the original registration sheet?

A. Yes, sir.

I object to it, therefore, as not being the best evidence, which is the original document, of course. Those books are not in the office of Mr. Walsh at all, but on the contrary are in the office and custody of Mr. Conter, the recorder of voters.

WITNESS. Yes, sir; the originals are in the hands of Mr. Gonter.

By Mr. DONOVAN:

Q. Is this return made to you just as the judges and clerks at the polls returned them?—A. The law requires the clerk of election of each precinct to make a copy from the lists of the special registrar in this

poll book at the polls; to copy the list of the votes, and to copy the special registration list.

Q. And this was returned to you with the boxes and the ballots and the poll books, all at the same time?—A. All at the same time.

By Mr. POLLARD:

Q. This, notwithstanding all that, is a copy, the original of which is now in the possession of the proper officer, and can easily be brought here by Mr. Gonter?—A. Yes, sir.

Q. Isn't it a fact, which you have ascertained by comparing this copy with the original, that there are many discrepancies in this and these other copies?—A. I made no comparisons, sir.

Q. Was not a comparison made in the office of Mr. Metcalfe during the pendency of this investigation when it was discovered there were many errors in this copy?—A. I couldn't state, sir, whether there was a comparison made there or not; I don't recollect it.

Q. It was made. It was when Mr. Woods was there. You haven't had any information from Mr. Gonter that there were many discrepancies in these reports?—A. No, sir; I never have.

Q. Notwithstanding, it is a fact. Mr. Woods, your deputy, gave evidence in this case, did he not, concerning these books?—A. I believe he was one day down here; I was sick at the time.

By Mr. DONOVAN:

Q. This report, however, is just as you received it with the ballots—A. Yes, sir.

Q. It corresponds with this report of the number of ballots as they were returned?—A. Yes, sir; they are just as I got them from the judges.

Q. Your answer, now, in regard to P. Phelps?—A. P. Phelps, Warren street, between Ninth and Tenth streets; number of ballot, 222 "voted;" registration number, 303.

Q. Please see if you find on that return the name of S. Ales?

Mr. POLLARD. The counsel for the contestee will understand me as objecting for the same reasons to each of these names; I don't desire to enter a separate objection to each question each time; I suppose he will consider that the same objection is made to each and every one of these questions; shall it be so considered?

Mr. DONOVAN. It shall be so considered.

WITNESS. 922 Warren street; number of ballot, 257; "voted;" 315 registration number.

Q. Turn to the return of the judges from poll No. 74, and ascertain if you find upon that the name of G. W. Snyder, and what is the return in regard to it?—A. G. W. Snyder; 2513 North Twelfth street; marked "voted;" registration number, 408; ballot number—I don't know what it is; it is a blur, and scratched off.

Q. Do you find in that same return from the judges and clerks of the same precinct the name of J. R. M. Bryant?—A. 1912 North Thirteenth street; number of ballot, 342; marked "voted;" registration number 431.

Q. What does the same return by the judges and clerks show in regard to F. W. Warning?—A. 2519 North Twelfth street; ballot number, 354; "voted;" registration number, 433.

Q. Turn to poll book 83, and inform me what was the return of the judges and clerks in regard to Charles Evers or Evarts?—A. Charles

verts; ballot number, 65; "voted;" residence 3234 Broadway; registration number, 179.

3 Q. That is the special registration there, is it?—A. Yes, sir.

Q. And in each case when you gave the registration number was the number that the man received at the poll when he was specially registered there on election day?—A. Yes, sir.

Q. What name appears on that same book opposite special registration number 186?—A. John Feilzer.

Q. What are the marks on that? What is the report on that?—A. Ballot number, 90; "voted;" residence, 3218 Broadway; special registration number, 186.

Q. What is the report in regard to Anton Stein?—A. Marked "voted;" ballot number, 115; 3134 Broadway, residence; registration number, 9.

Q. What is the return of the judges and clerks to you at that poll in regard to the name of Henry or Harry B. Piatt?—A. Harry B. Piatt; number of ballot, 149; "voted;" residence, 3236 North Tenth street; and the registration number is 198.

Q. What is the report of John Daly?—A. Ballot number, 152; "voted;" 3129 Broadway; registration number, 200.

Q. What name can you make out opposite the special registration number, 205?—A. Joseph I. Ebach; I guess the E is scratched out; it is either Joseph Ebach, or Ibach; the E seems to be scratched out and as I put in its place. Ballot number, 168; "voted;" residence, 3129 Broadway; registration number, 205.

Q. What name is opposite special registration number 208, and what is the return of the judges and clerks?—A. Valentine Siber.

Q. And what is the return?—A. Ballot number, 171; "voted;" residence, 810 Dock street; registration number, 208.

Q. What is the return made to you by the judges and clerks at that poll in regard to J. C. Hough?—A. Ballot number, 174; "voted;" residence, 3301 Broadway; registration number, 210.

Q. What name appears opposite the special registration number 212?—A. Jules Nelty.

Q. What is the report of the judges and clerks?—A. Ballot number, 8; "voted;" 3232 Broadway, residence; registration number, 212.

Q. What name appears opposite special registration 216?—A. Tobias Oldenmeuter.

Q. What is the return of the judges and clerks at that poll in regard to that name?—A. 189, ballot number; "voted;" residence, 3301 Broadway; registration number, 216.

Q. Turn to the report from poll No. 85, and inform us what was the return of the judges and clerks in regard to George B. Randall?—A. Randall; residence, 4019 Broadway; ballot number, 60; "voted;" registration number, 266.

Q. What is the report in regard to James J. Wild, whose special registration number is 287?—A. James J. Wild; 3929 Broadway, residence; ballot number, 152; "voted;" special registration number, 287.

Q. What is the return of the judges and clerks in relation to John Herich?—A. Residence, 3715 Broadway; ballot number, 163; "voted;" registration number, 290.

Q. What report is made in regard to A. Harvey?—A. Alb. is the first name and Harvey is the second; 4020 Second street; ballot number, 167; "voted;" special registration, 292.

Q. Does the name of Y. R. Marsteller appear there in the report of these judges and clerks?—A. Yes, sir; Marsteller.

Q. That is the manner in which it is plainly spelt upon this return—A. Yes, sir.

Q. What is the report in regard to him?—A. 3709 North Ninth street; number of ballot, 174; "voted;" registration number, 294.

Q. What return was made by the judges and clerks concerning Robert Bremner?—A. Robert Bremner; 4030 North Tenth street, residence; ballot number, 201; "voted;" registration number, 301.

Q. What official return is made in regard to G. W. Monroe?—A. G. W. Monroe; 4036 Broadway, residence; ballot number, 203; "voted;" registration number, 302.

Q. What is the official return in regard to Charles Hobbs?—A. Charles Hobbs; residence, 4036 Broadway; ballot number, 221; "voted;" registration number, 306.

Q. What is the official return concerning William Hood?—A. Residence, 3918 Broadway; ballot number, 233; "voted;" registration number, 312.

Q. What do you find in regard to the name of William Tebeau?—A. Michael Tebeau, I make it; 4016 Broadway, residence; ballot number, 234; "voted;" registration number, 313.

Q. What is the official return in regard to Martin Scharienton?—A. 3900 Broadway; ballot number, 236; "voted;" registration number, 315.

Q. Now, please turn to the official return made by the judges and clerks from poll 118, and inform us what is their report in relation to B. Wolf?—A. 1208 Wash street; ballot number, 145; "voted;" registration number, 280.

Q. What name do you find opposite to special registration number 284, in this same report?—A. Curtis Knappstead. His residence is 1119 North Thirteenth street; ballot number, 175; "voted;" registration number, 284.

15 Q. What is the official return in regard to Louis Meyer?—A. Residence, 1119 North Thirteenth street; ballot number, 181; "voted;" registration number, 286.

Q. Now, please turn to the official return made to you from poll N 119, and inform me what appears opposite the name of Theo. Haurman?—A. Heuermann; number of ballot, 33; "voted;" 1022 East Sixth street; registration number, 208.

Q. What is the official return made to you in regard to Peter Davis?—A. Peter Davis; number of ballot, 94; "voted;" 1117 North Fifteenth street; registration number, 219.

Q. What is the official return in regard to Louis Ahe?—A. Number of ballot, 103; "voted;" 1005 North Fifteenth street; registration number, 221.

Q. Will you please try to make out for me what appears opposite special registration number 227?—A. H. Schormann; ballot number, 153; "voted;" 1526 Biddle street; registration number, 227.

Q. What appears opposite special registration number 228?—A. John Slifton; that is what I make it; ballot number, 156; "voted;" 1006 North Seventeenth street; registration number, 228.

Q. What is the official return to you from that same precinct in regard to the name of Howard McCullough?—A. Howard McCullough; ballot number, 163; "voted;" residence, 1020 North Sixteenth street; registration number, 229.

Q. What is the official return to you in relation to Louis Zollmer?—A. I make that Louis Zoellner; ballot number, 202; "voted;" 111 North Sixteenth street, residence; registration number, 237.

Q. Now, please turn to the official return made to you by the judges and clerks from precinct 133, and state their report to you in regard to William Quirmlein?—A. Quernlin, I guess it is; 1515 North Sixteenth street; number of ballot, 21; registration number, 211.

Q. What is the official return made to you concerning the name of A. G. Hain?—A. A. G. Hain; 1603 Cass avenue; ballot number, 84; registration number, 218.

Q. What is the official return in regard to William G. Baker?—A. William G. Baker; residence, 1723 Cass avenue; ballot number, 89; registration number, 220.

Q. What appears opposite to special registration number 219?—A. Thomas Y. Hayhurst; residence, 1538 North Seventeenth street; ballot number, 86; registration number, 219.

Q. What appears opposite to special registration number 230?
6 —A. Peter Fleher; 1520 North Fifteenth street, residence; ballot number, 142; registration number, 230.

Q. What is the report in regard to James Jones?—A. James Jones; residence, 1113 Cass avenue; ballot number, 149; registration number, 231.

Q. What appears opposite special registration number 232?—A. Charles Edward Pistor; No. 1515 Cass avenue; 154, ballot number; 232, registration number.

Q. Please turn to the official return from precinct 141, and inform me what report is made by the judges and clerks in regard to Henry Ruhe?
—A. Residence, 1606 North Seventeenth street; ballot number, 42; "voted;" registration number, 117.

Q. What is the report in regard to John Ludwig?—A. 1626 North Fifteenth street; ballot number, 61; "voted;" registration number, 121.

Q. What is the report in regard to Peter Klein?—A. 1626 North Fourteenth street; ballot number, 67; "voted;" registration number, 123.

Q. Will you be good enough to exercise your ingenuity and inform us what name appears opposite to special registration number 136?—A. D. Z. Swash; it looks like Squash.

Q. That is in good handwriting, is it not?—A. Yes, sir; it is good writing; D. Z. is plain enough; I don't know, though, I take it for an S—Swash. I believe I didn't give you the ballot number, &c. 1918 North Sixteenth street, residence; ballot number, 51; "voted;" registration number, 136.

Q. Please turn to the official return of the judges and clerks from election district 145 and see what report is made in regard to H. H. Wobbe?—A. 1515 Warren street; ballot number, 56; registration number, 339.

Q. Well, please turn to the official return of the judges and clerks made to you from registration precinct 148, and inform me what is their report in regard to Robert Nooney?—A. Robert Nooney; Rousenbas avenue; "voted;" registration number, 263; no ballot number.

Q. Now, will you please turn to the report of the judges and clerks from precinct 149, and state what is the report of those gentlemen in regard to John J. Schmidt?—A. John J. Schmidt; residence, 1624 Montgomery; ballot number, 259; "voted;" registration number, 359.

Q. Please state what is the official return in regard to Fred. F. or Fred. J. Von Behren?—A. Fred. F. Von Behren; 1612 Saint Louis avenue; ballot number, 269; "voted;" registration number, 366.

Q. Please turn to the official return of the judges and clerks from

poll 153, and inform me what is the report in regard to Joseph Br
A. 1907 University street; ballot number, 57; "voted;" regist
number, 221.

17 Q. What appears opposite registration number 232 ?—
cob Deising.

Q. What is the return of the judge ?—A. Wait one moment;
is also here, "Satt C. Dodier, 210, 22;" I don't know what that n

Q. Just inform us, please, what, in your judgment, appears op
that registration number ?—A. I am just giving it to you, as it s
here; the registration number is 232; Jacob Deising, Satt C. D
210; 22; ballot number 126; "voted."

Q. What appears opposite the special registration number 240; j
give us that with the return of the judges and clerks ?—A. C
Schwicke, Herbert street, between Twentieth and Twenty-first; 16
lot number; "voted;" registration number, 240.

Q. What appears opposite special registration number 241
241; Tim Haim; 2111 Saint Louis avenue; ballot number, 168; "v
registration number, 241.

Q. What name appears opposite to special registration number
—A. James Sales; Herbert street, between Twenty-first and Tw
second street; ballot number, 171; "voted;" registration nu
242.

Q. What name appears opposite to special registration number
please give us the same, with the report of the judges and clerks
George W. Daner; Herbert street between Twenty-first and Tw
second street; registration number, 180; "voted;" registration
ber, 246.

Q. Please turn to the official return from precinct 165 and gi
the return in regard to G. H. Smith ?—A. G. H. Smith; Ninet
and Herbert street; ballot number, 128; "voted;" registration
ber, 361.

Q. What is the official return in regard to Fred. Hackmann
Fred. Hackman; Seventeenth and Davis streets; ballot number,
"voted;" registration number, 364.

Q. What appears opposite to special registration number, 367
Justus Pfeiffer, 3509 Davis; ballot number, 171; "voted;" reg
tion number, 367.

Q. What is the official return in relation to Adolph Wibbing?
Adolph Wibbing, northwest corner Eighteenth and Davis street;
lot number, 198; "voted;" registration number, 369.

Q. What is the official return in regard to the name of Christ.
nebrinck ?—A. Mab, between Fourteenth and Fifteenth street; 1
number, 277; "voted;" registration number, 384.

Q. What is the official return concerning Joseph Anzer ?—A. Jo
Anzer, 3207 North Seventeenth street; ballot number, 279; "vo
registration number, 385.

18 Q. Please turn to the official return from precinct 166
give me the report of the judges and clerks in regard to C
Ahrens ?—A. Residence, 3808 North Eighteenth street; 84, 1
number; "voted;" registration number, 386.

Q. What is the return concerning the name of John Stein, junk
A. Twenty-first and Bremen avenue; ballot number, 83; "vo
registration number, 387.

Q. What is the return in regard to Joseph Rogers ?—A. Joseph

teenth and Garibaldi; number of ballot, 136; "voted;" registration number, 396.

It appears opposite the special registration number 399?—A. Lemke, 1800 Bremen avenue; ballot number, 158; "voted;" registration number, 399.

It is the official return in regard to G. Burs?—A. G. Burs, between Garibaldi and Bremen avenue; ballot number, 41; "voted;" registration number, 413.

It appears opposite special registration number 418?—A. Skermeyer, Twentieth and Salisbury streets; ballot number, 41; "voted;" registration number, 418.

It appears opposite special registration number 428?—A. Lin-

nmeyer, or Linnenweber, which?—A. Linnenweber, probably become the nearest to it; Linnenweber—probably that is it; residence 4025 Kossuth avenue; ballot number, 311; registration number, 428.

He turn to the official returns made to you as canvassing official 167, and give the official return in relation to the name of John?—A. John Joskel, Grand avenue, between Natural Bridge and Bee avenue.

Are the returns of the judges and clerks?—A. Ballot number, 100; "voted;" no registration number.

It is the official return in regard to William Koehr?—A. Corner of Glasgow avenue and Natural Bridge road; ballot number, 97; "voted;" no registration number.

Are the official returns in regard to William Nichols?—A. Benson and Thompson streets; number of ballot, 97; "voted;" registration number.

It is the report in regard to Robert Hintz?—A. Grand avenue and Bridge road; ballot number, 100; "voted;" no registration number.

He turn to your record from precinct 168, and inform me what the official return in regard to the name of Edward Muckermann?—A. North Eleventh street; "voted;" registration number, 364; ballot number.

What is the official return in regard to Arnold Fuchter?—A. 3930 Garibaldi; "voted;" registration number, 369; ballot number.

It is the official return in regard to the name of Jacob Bottom?—A. Jacob Bottom, 3716 North Eleventh street; 372; registration number.

Until 2 o'clock.

AFTER RECESS.

Session of Mr. WALSH resumed.

Mr. DONOVAN:

Walsh, are the returns from which you have been reading the official returns as required by the election laws of this city and

They are, sir; the law requires—I suppose you have referring those books—the law requires one of the clerks at each precinct to copy the list of citizens that has been registered during that precinct, and to copy them in the poll-book; that

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forms a part of the returns of the judges and clerks of that election in some precincts they failed to do that; but where they have failed make that return on these books from which you been reading, to the extent they were remiss in their duty.

Q. This return is the official return upon which the judges gave their certificate?—A. Yes, sir; this is the official return.

Cross-examination by Mr. POLLARD:

Q. Mr. Walsh, when does your term of office as register expire?—When my successor qualifies, sir.

Q. He has already been elected?—A. Yes, sir.

Q. How many books did you bring here this morning?—A. I w count them; I don't know (after counting); twenty-one books, sir.

Q. What are their numbers?

WITNESS. Do you mean precinct numbers?

Q. Yes, sir; precinct numbers?—A. They are as follows, precinct 72, 73, 74, 75, 83, 85, 118, 119, 133, 141, 143, 145, 148, 149, 151, 165, 166, 167, 168, 181.

Q. Is No. 181 the poll-book for any polling precinct in the third Congressional district?—No, sir.

By Mr. DONOVAN:

20 Q. And you were not asked anything in regard to it?—No, sir.

By Mr. POLLARD:

Q. All the other numbers are polling precincts in the third Congressional district, are they not?—A. Yes, sir.

Q. Were you subpoenaed to bring poll book 181 here?—A. I think it is on the list, sir.

Q. These books which you have brought are the original books which were given to the judges of election on election day, are they not?—Yes, sir.

Q. When these books were given to the judges of election on election day, there was also given to them another book for the purpose of making therein a special registration, was there not?—A. Yes, sir.

Q. And a special registration is known under the law in this city; that registration of those voters who registered at the polls on election day?—A. Yes, sir.

Q. Where are those books in which that special registration was had?—A. I expect they are in the recorder of voters' office.

Q. Who is he?—A. Charles G. Gonter.

Q. He is in this city, is he not?—A. Yes, sir.

Q. Those books can be easily obtained, can they not?—A. Yes, sir.

Q. Those are the original registration books, are they not, for the who registered on election day?—A. Yes, sir.

Q. And that which you have read from this morning is simply what purports to be a copy of those books?—A. Copy of the books; yes, sir.

Mr. DONOVAN. But they don't say whether they voted or not?—That I don't know.

By Mr. POLLARD:

Q. And those books containing those original registration sheets those who specially registered on election day have already been introduced by the witnesses on this stand, have they not, and have been already testified from to some extent?—A. That I don't know; I

Gunter, I believe, was on the stand; I don't know what he brought with him or anything about it; I haven't had charge of those books, for he has them in his possession.

Q. What proportion, Mr. Walsh, of these books, and all similar—I mean of the original registration books which were furnished to the judges of election on election day—now contain the copy of those special registrations made on that day?—A. Well, I don't know; I suppose two-thirds of them contains it.

Q. Isn't it a fact that out of the books that you brought here this morning there are several which do not contain that list?—A. Some three or four, I believe, do not contain that list.

Q. Do you know, of your own knowledge, by whom these copies were made?—A. No, sir; I do not.

Q. You don't know any handwriting therein, do you?—A. No, sir; not one.

Q. But they were in there just as they are now when they were brought back to you?—A. Yes, sir; just the same as they are now.

Q. I believe you said this morning that you had never compared them to ascertain whether they were correctly copied from the original registration list?—A. No, sir; I never compared them.

Q. I will ask you now, since your testimony this morning, and since your reading of the names there, whether you are not quite well satisfied that there have been errors made in the copying of those lists?—A. I don't know, sir; I couldn't state whether there are errors made or not.

Q. Isn't it a fact that there are palpable mistakes in those copies of names and addresses which you have read this morning?—A. I don't know, sir; I couldn't state that; I don't know what the intentions of those men were who copied those names; I couldn't state that at all; I don't know whether they were errors, or whether they intended them for errors, or anything about them; I never paid any attention to it at all.

Q. The copies are none of them sworn to by any one as being correct copies, are they?—A. No, sir.

Q. What is the certificate attached to each one of those copies, or any one of them?—A. I don't see any certificate attached to them; you mean the form of the oath?

Q. I want the certificate which is attached to these special registration lists, or the copies that you have read there?—A. There is none; I don't see any certificates.

Q. The certificate in quite a large proportion of these books, those that you have read from, and which purport to be copies of the original registration sheets, is on a separate piece of paper and carelessly laid in the book?—A. On some it is; this is the certificate of judges and clerks; I thought you meant the certificate in regard to the correctness of the copy made here of the special registration as it appears on the first sheet.

22 Q. So I do.—A. “We, the undersigned, judges, certify the foregoing to be a true abstract of the votes given at said election. Witness our hands this the second day of November, 1880.” I didn't understand that you wanted that. I thought you wanted the special registration certificate to that effect, that the above were duly registered at the polls.

Q. Now, will you please turn to one of those books which does not purport to have the copy of this special registration, and read the certificate at the bottom of it?—A. It is the same as I have just read,

"We, the undersigned, judges, certify the foregoing to be a true abstract of the votes given at said election. Witness our hands the day of November, 1880." I read this from precinct 75.

Q. So that certificate is precisely the same as that which appears in the book which contained what purports to be a copy of the special registration?—A. Just the same certificate, sir.

Q. Do you know, Mr. Walsh, what the object of the contestee is endeavoring to introduce copies when the originals are so easily within his reach?—A. I do not; I haven't the slightest idea.

Q. I will ask you now whether it is not a fact that the law requires these special registration books should be returned?

WITNESS. Returned?

COUNSEL. Yes.

A. Oh, yes, they should be returned; the law requires them to be returned to the recorder of voters' office.

Q. And it is true, is it not, that they are the official returns of those who specially registered?—A. Yes, sir.

Q. Isn't it a fact that wherever a man registers, whether at the poll or preceding the polls, he is required to subscribe his own name to the poll book, provided he can do so?—A. Yes, sir.

Q. I would like to ask you, Mr. Walsh, whether in your judgment you having been a city official for several years, and being well versed in such matters, whether the original special registration would not be more liable to be correct than such copies as you have read from this morning?—A. Well, they ought to be, from the fact that the man writes his own name in those books.

Q. And that was written during the hurry, and the excitement of the election day?—A. They were written by one of the clerks at the election polling place—copied from one book to the other.

Q. And those clerks, very often, are not expert in such matters?—A. Very generally I will say, yes; sometimes they are not very competent for the business.

Q. And sometimes they are very incompetent?—A. Judging from their returns.

23 Q. I say, "and sometimes they are very incompetent."—A. Yes, sir; I suppose so.

Q. In making the selection for clerks is it always considered that only those should be appointed who are careful scribes and bookkeepers?—A. Well, I don't know; the mayor has to do with that; I don't know whether he looks into their qualifications or not; he has the entire selection of those clerks.

Q. Are not the judges and clerks at the various precincts in this city appointed on the recommendation of the committees of the two opposing parties as a general thing?—A. That I couldn't say, sir; I have heard it as rumor that sometimes they suggest names; I couldn't state it as a fact. It is rumor that both committees furnish names to the mayor.

Q. It is a generally accepted rumor, is it not?—A. Yes, sir.

Q. How long have you been register, Mr. Walsh?—A. Eight years, sir.

Q. What is done with these names after an election; I mean names which you have read from these poll books—these copies?

WITNESS: What is done with them?

COUNSEL. Yes.

A. I don't really know what they do with them; I keep these records and books in my office; I don't know anything going on out of office.

Q. How is the next poll book made up; I mean the poll book for the next succeeding election?—A. That is a matter with the recorder of voters; I don't know much about it—about the books in the recorder of voters' office; they go through a regular routine in his office; several months before the election they transfer the names; write off the names on new registration books; he has a lot of clerks at work in there to assist him; I don't see that you can do better than to get Mr. Gunter to explain that.

Q. Isn't it true that he makes the next succeeding poll books from the poll books for the next succeeding election not from these copies which you have read, but from the names which are printed on the original poll book as sent to the judges, and from those names as written by the voters themselves on the original registration sheet?—A. In regard to the special registration list, they are sent to him, but they are not put on the books till they have called at the office and re-registered; they are not copied into any book, because that registration at the polls is not allowed to go on the regular registration books till they have called at the recorder of voters' office and re-registered.

Q. Do you know whether that is so?—A. That is Mr. Bell's opinion; he said that was the law. Mr. Gunter told me that Mr. Bell gave him the opinion some time ago, I think.

24 Q. Then it is not true that the poll books of the next succeeding election as far as these special registration lists of the specially registered voters are made from these copies which you have read here to-day?—A. No, sir; they are not made from that.

Q. I wish you would turn to poll book 148, if you have it there, and give me the ballot number of H. R. Wills?—A. H. R. Wills; there is no ballot number.

Q. What is his registration number?—A. 239.

Q. Now, I will trouble you to turn to book 85?—A. Yes, sir; here it is.

Q. Will you please tell me what is the ballot number of Frank Scherer?—A. Not voted at all.

Q. He is registered there?—A. Yes, sir.

Q. Will you please tell me whether or not Thomas Morris is on the registration book of that precinct?—A. Yes, sir.

Q. Will you please turn to precinct 118 and inform me if John Brown appears on that registration book as having registered in that precinct?—A. Yes, sir; John Brown.

Q. Now, will you turn to book 83, if you please? Look at the special registration and see if Frank Scherer was specially registered in 83?—

A. Yes, sir; he is registered here.

Q. What is his address?—A. 3238 North Tenth street.

Q. Ballot number, please?—A. 157.

Q. Now, please turn to precinct 119.—A. Yes, sir; I have it here; what do you want?

Q. Will you please tell me if you find on the registration—the regular registration, by which I mean that which is not specially registered—the name of Michael O'Brien, and his address?—A. Michael O'Brien, 1609 Carr street.

Q. Is he marked voted there?—A. "Voted."

Q. Give me the ballot number, please?—A. 197.

Q. You have not got poll book for precinct 121?—A. No, sir; it is not here.

Q. Now, will you please turn to poll book 133?—A. Poll book, 133; here it is.

Q. Will you please tell me if you find thereon the name of James Murphy, on the printed or regular registration list?—A. Yes, sir have him here.

Q. His address?—A. No. 1513 North Sixteenth street.

Q. Did he vote?—A. Not marked "voted."

Q. Has he any ballot number?—A. Yes, sir.

25 Q. What is it?—A. 104.

Q. Are any of the names on that poll book marked "voted?"

A. No, sir.

Q. Do you not infer that when you find a ballot number against a man's name, that he did vote?—A. Well, yes; I think so.

Q. Will you turn to book 145, and tell me, if you please, whether you find the name of John Dolan therein on the general registration list, the printed list?—A. Yes, sir; I find him.

Q. His address?—A. 1314 Warren street.

Q. Did he vote?—A. Not marked "voted."

Q. What is his ballot number?—A. 169.

Q. Are any of the voters in that poll book marked as having voted?—A. I see one name marked voted on this book; there are three names marked voted.

Q. The only ones in that poll book?—A. That is all I see, sir.

Q. Now, how many are there on that list—I mean making a rough estimate—against which are the numbers of their ballots?—A. There about a couple of hundred.

Q. Do you not infer that this man Dolan voted?—A. Yes, sir; I think he voted.

Mr. DONOVAN. I object to taking the inference of Mr. Walsh on the subject.

By Mr. POLLARD:

Q. Will you please inform me if you find on poll book precinct 14 on the general registration list—I mean that in contradistinction from the special registration list—the name of Thomas Murphy?—A. Thomas Murphy is here.

Q. His address?—A. 1613 Wright street?

Q. Did he vote?—A. Marked "voted."

Q. The number of his ballot?—A. No ballot number.

Q. What is his registration number?—A. 145.

Q. Now please turn to poll book for precinct 153, and inform me if you find thereon the name of Patrick Dean—on the general registration list?—A. Patrick Dean.

Q. Will you see if on that same book, and in that same list, is the name of James Murphy; before answering that you can give me the residence of Patrick Dean?—A. 2120 University street; Dean didn't vote; James Murphy, Nineteenth and Herbert streets.

26 Q. Now, if you will turn to seventy-two we will take them rotation.—A. Seventy-two is here.

Q. You testified this morning, in answer to the question whether you found the name of Frederick William Gebeke on that book from Madison street, that there was no such name there, I believe, on the special registration?—A. Frederick William Gehrke, 822 Madison street.

Q. Will you now tell me whether there is the name of Gebeke on that list?—A. No, sir; I don't see it on the special registration list.

Q. On that same book will you please tell me if you find the name specially registered of John B. Davis?—A. James B. Davis is here; I don't see any John B. Davis.

Q. Now, will you please turn to book 74 and see whether on the special registration list of that precinct you find the name of G. W. Snyder? Mr. Snyder was registered from 2113 North Twelfth street.
—A. G. W. Snyder is here from 2513 North Twelfth street.

Q. Is there any other Snyder on that list—on that special registration list—from any other number?—A. No, sir.

Q. On that same book see if you find thereon the name of J. R. M. Bryant specially registered from No. 2519 North Twelfth street?—A. 1912 North Thirteenth street, I find it here.

Q. Do you find any other individual of that same name registered from the number I indicated?—A. No, sir.

Q. I wish you would look and see on that same list whether you find the name of Charles Evans, or Evers?—A. No, sir; I don't find him on the book.

Q. Now, will you please turn to precinct poll book for No. 83 and see if you find thereon the name of Charles Evans, or Evers?—A. On 83 I find Evarts.

Q. You do not find Evans or Charles Evers as having registered from 3234 Broadway?—A. Not Evans or Evers; only the one Charles Evarts.

Q. Look in that book, please, and see if you find on that copy of that special registration the name of John A. Seebran?

WITNESS. On the special registration list?

COUNSEL. Yes, sir.

A. No, sir; I don't see it.

Q. Do you find on that book, which contains a copy of the special registration for precinct 83, the name of John Houpp?—A. No, sir; I don't find it.

Q. No such name there?—A. No, sir.

By Mr. DONOVAN:

27 Q. Is there any name similar to it?—A. I don't find any name near that at all; the name nearest to it is Joseph Eback, or Iback.

By Mr. POLLARD:

Q. Do you find on that same copy the name of Valentine Lieber?—A. Valentine Sieber is here; I don't find your party.

Q. How is it spelt there?—A. Sieber.

Q. And there is no Lieber?—A. No, sir; I don't see any here.

Q. Do you find on that same list specially registered on election day the name of Tolcas Holpuatarz? I ask you this and the preceding three or four questions because the counsel for the contestee has repeatedly asserted that those individuals did register under the names and at the places designated in my questions?—A. I don't see any Tolcas Huba-ass here.

By Mr. DONOVAN:

Q. What do you find there?—A. I don't find anything like that; there is a Tobias Holdenmeutes; but that isn't Tolcas Huba-ass.

By Mr. POLLARD:

Q. Now, if you will turn to book 85 I will ask you a question or two. Turn to the copy of the special registration which you have here of polling precinct and tell me if you find thereon the name of Charles Webbs, with the address of 4036 Broadway?—A. I find Charles Hobbs.

Q. Please look and see if you find the name of Charles Webbs?—A. No, sir; I don't find it.

Q. I wish you would look at the name which you testified this morning about finding on that list, and which you read as William Hood, 3919 Broadway ?—A. William Hood.

Q. Will you please examine that name critically and see if it would read William Wood ?—A. No, sir; I find William Hood.

Q. You do not know, I presume, whether it was written Hood or Wood by the person who wrote it on the original registration sheet ?—A. I don't know. It is William Hood here. That is an H if there ever was an H.

Q. I wish you would look on that same list for the name of Michael Tehan ?—A. I find Michael Tebeau—not Tehan.

Q. There is no Michael Tehan there on that list ?—A. No, sir.

Q. I wish you would look and tell me if you find on that same book the name of Harvey as being registered from 4020 North Seventh street ?—A. What is his first name ?

28 Q. Abone, or Alb., or Alf.; I don't know which.—A. Harvey, Alb.; 4020 North Second street.

Q. Is the same name, or any similar name, registered from 4020 North Seventh street ?—A. No, sir; I don't see any similar name from that address, or any other name from that address.

Q. Now, if you will turn to book 118; no, we don't want that. I will ask you to turn to the next in order, 119 ?—A. Here it is; what do you want ?

Q. You testified this morning as having found the name of Theodore Heuermann at 1022 East Sixteenth street, as on that copy of the special registration list at precinct 119; I wish you would now tell me if you can find on that same copy the name of Theodore Hennermann ?—A. No, sir; it is Theodore Heiermann; I don't see any Theodore Heuermann.

Q. See if you find on that same list the name of John Heflen ?—A. No; I don't find him; I find John Stiffin or John Sliften.

Q. You find no such name as Heflen ?—A. No, sir.

Q. Will you please look and tell me if you find on that same list the name of Louis Zollmann ?—A. Louis Zoelner; but not Zollmann.

Q. You find no man by the name of Zollman ?—A. No, sir.

Q. Do you know whether there is a street in this city called East Sixteenth street ?—A. I believe there is.

Q. Where is it ?—A. I think it is between Carr and Wash street; they are designated as East and West Sixteenth streets, because a park runs through there; one is east and the other is west; of course all three are north, because they are north of Market street.

Q. Well, there are, then, are there not, three or four different streets which are designated as Sixteenth street, or as North Sixteenth street ?—A. They are designated as North Sixteenth street.

Q. East Sixteenth and West Sixteenth are ?—A. Yes, sir.

Q. Now, will you please take up next precinct, No. 133 ?—A. I have got it.

Q. You testified this morning as being able to find, on that copy there, or what purports to be a copy of the special registration list for precinct 133 the name of William Quernlin, as residing at 1515 North Sixteenth street ?—A. On the east side of Carr place, I believe it is; Carr Park, they call it; that is where this East and West Sixteenth street is to be found; up in that neighborhood somewheres.

29 Q. It is not the same street as North Sixteenth street ?—A. No; I guess not; it is North Sixteenth street, because it is north of Market street.

Q. There are two Sixteenth streets north of Market?—A. Yes, sir; in that one block.

Q. And one is called North Sixteenth street and the other is called East Sixteenth street?—A. No, sir; East Sixteenth and West Sixteenth street. They are both North Sixteenth street.

Q. Are there three different North Sixteenth streets?—A. There is North Sixteenth street; then comes the splitting into East Sixteenth and West Sixteenth street; I guess that does make three; they are all three North Sixteenth, though.

Q. Now, to come back to my question about Quernlin, do you find that name on that list?—A. Yes, sir.

Q. Will you please look at that same list and tell me whether you find the name of William Quemlein?—A. No, sir; I don't find that.

Q. Look at that same list and tell me if you find more than one Hain; you testified this morning that you found the name of A. G. Hain; now, will you please look and see if you find any other man named Hain?—A. No, sir; no other.

Q. No other man there named Hain except that?—A. None other that I see.

Q. See if you find on that list the name of Charles Edward Putor?—A. Charles Edward Pistor, 1515 Cass avenue; I don't find any Putor.

Q. Now, will you turn to precinct 141?—A. I have it here; what do you want?

Q. See if you find the name of more than one Ruhe?—A. Henry Ruhe.

Q. What is his residence?—A. 1606 North Seventeenth street.

Q. There is no man registered by that name from 1106, is there?—A. Not on this special registration list; I don't see it, if it is.

Q. You found, as you testified this morning, the name of John Ludwig, 1626 North Fifteenth street?—A. Yes, sir.

Q. Is there any other John Ludwig on that list?—A. No, sir.

Q. No Ludwig is there from 1626 North Fourteenth street?—A. No, sir.

Q. Do you find, on that same list the name D. T. Lusk?—A. I find here D. J. Swash; that is as near as I can come to it; I don't see any Lusk here at all.

Q. Now, take up precinct 145; you testified this morning that you found the name of H. H. Wobbe; will you please see if there is any other man named Wobbe on that list?—A. H. H., 1514 Warren street.

30 Q. Is there any other man of that name there?—A. No, sir; I don't find any other of that name.

Q. And there is no man, then, on that list named H. W. Wobbe, 1519 Warren street?—A. No, sir.

Q. Will you please tell me if you find on that copy of the special registration list for polling precinct 148 the name of H. Trollman?—A. I don't find him here.

Q. Will you next take up poll book for precinct 153, and look on what purports to be a copy of the special registration list for that district, and tell me if you find the name of Joseph Bright?—A. I find here Joseph Britt, 1917 University.

Q. Is there any other Bright or Britt thereon?—A. No, sir.

Q. Do you find on that copy the name of Charles Tuerquens?—A. I have here Charles Tingens, Dodier street, between Twenty-first and Twenty-second street.

Q. How do you spell it?—A. T-i-n-g-e-n-s.

Q. And you find no such name on that copy as Charles Tuerquen
—A. No, sir.

Q. Do you find on that same book the name of George W. Donne

—A. Charles W. Dauer, Hebert, between Twenty-first and Twenty-second street.

Q. There is no name there—Donner?—A. No, sir.

By Mr. DONOVAN:

Q. Is it Charles, or George?—A. George W. Dauer.

By Mr. POLLARD:

Q. Look please, on the copy of the special registration of precinct 165, and see if you find thereon the name of Christin, or Christ. Hanckbrink, or Hauckbrink?—A. Christ. Hanebrinck is here.

Q. Now, see if you find the names Haubrink, or Hanckbrink, there?
—A. No, sir; they are not here.

Q. Now, if you will turn to precinct 166, we will take that up next; you testified this morning that you found on that list the name of Henry Spickermeyer; I wish you would now look at that same copy and see if you find the name of Hermann Spickermeyer?—A. Henry Spickermeyer, Twentieth and Salisbury streets; that is the only name I see here.

Q. But no Hermann Spickermeyer?—A. No, sir.

Q. You testified this morning that you found on that same copy of the special registration list for that district the name of Henry Linenmaker or Linenweber; please see now if in addition to that name
31 you find the name of Henry Linenseber?—A. I don't find it no, sir.

Q. Now, if you will turn to book 167, we will very soon be through with you; I wish you would find again the name you testified to this morning as being Joseph Toskel, and examine it, and see if it is not instead of Joskel, John Toskell?—A. No, sir; it is John Joskel; there is no mistake about that.

Q. And you are not prepared to say, and cannot say, as a matter of course, what is it on the original registration sheet?—A. No, sir; I do not know anything about that.

Mr. DONOVAN. We will have the originals here in a few moments and then we will see. The originals are here now in the room. Mr. Gonter is here now with the books.

By Mr. POLLARD:

Q. I wish you would tell me from that same copy of the special registration book, if you find the name of William Nichols, registered at the corner of Benton and Thomas streets?—A. Bensen and Thompson

Q. Is there any one registered from the corner of Benton and Thompson streets?

WITNESS. The same name?

COUNSEL. Yes, sir.

A. No, sir.

Q. Do you know how far Benton street is from Bensen street?—A. No, sir; I don't know where it is at all; I never heard of it before. My friend Gonter knows all the country; he can tell you that.

By Mr. DONOVAN:

Q. Mr. Walsh, I would like to ask you one or two questions. I saw Mr. Pollard in his examination of you has talked of copy, and what you reported to be a copy; and has injected the word copy into every question

has asked you, in some form or other; now, I would like to know whether or not this list which he designated as a copy is not required by law to be in the book from which you read it.

Mr. POLLARD. I object to that question unless he first proves that Mr. Walsh is a lawyer; or secondly, that he gets the law and reads it to the witness before he answers the question; the law is undoubtedly better than any man's construction of it, unless that man be learned in the law.

By Mr. DONOVAN:

Q. Mr. Walsh, you have been handling the poll books of all elections here for the last eight years, and I ask of you to answer that question, whether the law does not require those names to appear upon these official returns which you now hold in your hands?

A. Yes, sir; the law requires them to be copied from the special registration sheets or books into the book returned to me, and they are so copied.

Q. And they are returned to you by the judges and clerk of the election at the close of the election?—A. Yes, sir.

Q. With their certificate appended?—A. Yes, sir.

Q. Now, do you know whether or not you have been reading from the books that were used in the Republican wards?—A. I don't know,

but I just pick up at random a few of those books and read the returns for Congress, or for any other office, from those books?—A. I have here one book which was returned from the Sixteenth ward, in the 167th precinct, and I find the vote for Congress to stand as follows: Frost, 30; Sessinghaus, 71.

Q. Take a few of them?—A. Sixteenth ward, 166th precinct: Frost, Sessinghaus, 214.

Q. Take the Sixteenth ward, precinct 165?—A. Frost, 109; Sessinghaus, 170; O'Connell, 1.

Q. Here is one of the Fourteenth ward?—A. Precinct 153: Frost, Sessinghaus, 122; O'Connell, 2.

Q. That will do, Mr. Walsh. I presume you have picked those books at random?—A. I have picked them up as they came in the pile.

Q. If there are any defective returns from these Republican wards, have they been made as well by Republican judges as by others, have they not?—A. Well, I don't know what the politics of the judges are; I don't know them.

Q. Do you know those books in which the special registration sheet does not appear; can you turn to them now?—A. No, sir; I cannot.

Q. They are in this pile, however?—A. I think there are three or four of them in this lot; I don't know what the numbers of the precincts are; I didn't pay any attention to them.

Q. We will not take the time and turn to those now, inasmuch as I want to know the vote cast was calculated in the total as embraced in the certificate of the judges?—A. I couldn't state that; I don't know what the returns are; I always count up what they give me.

Q. They made you a return of the total vote cast?—A. Yes, sir.

Q. Mr. Walsh, before leaving the stand, I would like to ask you whether you know an institution in this city called the Little Sisters of the Poor?—A. I do.

Q. Do you know of your own knowledge whether that is a public or private charitable institution?—A. It is a private charitable institution.

33 By Mr. POLLARD :

Q. By whom is that institution supported ?—A. By private contributions from the public, as far as I understand it.

Q. And it is not to that extent a private institution ; no private individual supports it, does he ?—A. No, sir ; I don't know whether any private individual supports it or not ; I know they go around begging from the public ; whether any one individual is interested in it and supports it I don't know ; I couldn't state.

Q. Do you know where it is located, Mr. Walsh ?—A. I think it is up on—I don't know exactly ; it is up about Fourteenth street and Ebert, or Fifteenth street, along there ; I don't know exactly. I know where the place is to go to it, but I can't tell you the exact location to the names of the streets.

Q. And those people who are there are people who do not support themselves, are they not ?—A. Well, I believe there are a few in that brought some money with them, some old people.

Q. But as a general thing the object is to support the aged ?—A. Yes, sir ; I believe that to be the general object.

Q. Now, Mr. Walsh, you have stated your construction of the law ; I will ask you whether this registration law, and the law concerning elections in this State and in this city, has not been changed—materially changed—at about every session of the State legislature for the last fifteen years ?—A. It has been changed ; I don't know how often it has been changed the last session of the legislature ; it is not in force yet.

Q. And it was changed by the last session preceding that, was it not ?—A. I don't recollect, sir.

Q. Hasn't it been very often and very materially changed by the assembly—the city assembly ?—A. Well, they passed a new election registration ordinance, I think, sir ; well, immediately after the Scher and Charter went into effect.

Q. It has been changed since that, has it not ?—A. There has been supplementary ordinance passed.

Q. And one week ago, or less, was there not a charter amendment thereto voted for and carried by the people of the city ?—A. Yes, sir.

Q. The result is that this law has been and is in a constant transitional state ?—A. Yes, sir ; constantly changing it.

Q. Now, I want to know, Mr. Walsh, whether you know of your own personal knowledge anything about the complexion, politically, of the precincts from the books of which you have been reading this morning ?—A. No, sir ; I do not.

Q. You do not know, then, whether or not Mr. Sessinghaus received a majority in one single one of them, except the four which you read ?—A. No, sir ; I never looked at the returns only those I read.

Q. Is it not a fact that Mr. Sessinghaus in those four received a much larger majority than the other candidate on the Republican ticket ?—A. Yes, sir ; he did receive a larger majority in the precincts which I read.

Q. Mr. Overstolz, the present mayor of the city of Saint Louis, was nominated by the Democratic party some two weeks ago, was he not for mayor ?—A. Yes, sir.

Q. And he ran on that ticket for mayor at the election held last Tuesday, did he not ?—A. Yes, sir.

Q. Is it not true that the Democratic ticket last Tuesday was defeated

in each and every one of these twenty precincts from the books of which you have read this morning?—A. I couldn't state that, sir.

Q. Isn't it a fact that the ticket was defeated in every one of the wards which are in the third Congressional district?—A. I don't know, sir. I haven't examined that; I didn't examine to see what the majorities were; I rarely do, unless I am interested or it is a Congressional race.

Q. Do you know a man named Ed. Butler in this city?—A. Yes, sir.

Q. What is his business?—A. Blacksmith; horse-shoer.

Q. Is he not likewise a very prominent Democratic politician?—A. Yes, sir; so the papers say; the newspapers say so.

Q. He is recognized as such, is he not?—A. Well, by some, yes.

Q. Do you know a man by the name of John Tighe?—A. I do.

Q. What is his business?—A. There are two of them; one is in General Stevenson's as a clerk. General Stevenson is the assessor and collector of water rates. There is another one in the First ward, who keeps a boarding-house.

Q. The one that resides in the First ward is a prominent Democratic politician, is he not?—A. I know that he is very prominent.

Q. He is a very active Democratic politician?—A. That I couldn't say.

Mr. DONOVAN. I have listened to this driveling tomfoolery long enough; and I now object to the counsel for the contestant asking Register Walsh regarding the biography of a number of gentlemen who have nothing in the world to do with this case, when he is very anxious to get back to his office, to pay those clerks who are waiting for him, especially since Mr. Gouter is here present with original records (for which the counsel for the contestant seemed to be so anxious) ready to go on the stand and give his testimony in this cause. It is a deliberate waste of valuable time, and I must here object to making inquiries such as the counsel has been making.

Mr. POLLARD. I apprehend that when the gentleman can keep a witness here, to make stump-speeches, he has no right to object to my asking him a few questions; and I make here this explanation, that the counsel for the contestee has proven himself that they recommended numerous individuals to those who revised these registration lists for service under the reviser; and it has been proved that those individuals did in various wards make this revision.

Mr. DONOVAN. This witness said nothing in the world about the name of Ed. Butler, or John Tighe, that they had anything to do with the third Congressional district; they have had nothing in the world to do with this controversy in any manner, shape, or form; and the sole and only object is to keep this gentleman on the witness stand, to waste his time, and to waste my time, and to prevent Mr. Gouter, who is here with those original records so much demanded this forenoon and afternoon by the contestant, and is ready to give his testimony, from going on the stand; it is an effort to keep these two public officers dangling around this place, eliciting nothing from them appertaining to this case, but simply wasting their valuable time.

Mr. POLLARD. It is for nothing of the kind; such is not my object; it is not true; but it is true that this witness never did testify anything about these men Butler and Tighe; but I do say that the counsel proved by some of his revisers whom he called on the stand, that they did employ men who were sent to them by Tighe and Butler.

Q. You know Mr. Stottleben, who was one of the revisers of the Fourteenth ward?—A. Yes, sir.

Q. Do you know his politics?—A. Well, he is considered a Democrat.
Signature waived.

36 CHARLES G. GONTER, called by the contestee, was duly sworn and on his oath deposeeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Mr. Gonter, you are the recorder of voters of the city of Saint Louis?—Answer. Yes, sir.

Q. You have here some of the original registration sheets for which Mr. Pollard seems so very anxious to inspect?—A. I have such sheets as were called for by your notice.

Q. Will you please turn to the special registration made at poll precinct 72 at the election held November 2d, 1880?—A. I have got here, sir.

Q. Do you find on that the name of Peter Merkel?—A. Yes, sir; is here.

Q. From what residence?—A. 916 Madison street.

Q. Do you find on that same special registration sheet, from the same precinct, Frederick William Gebeke?—A. Gebeke.

Q. Do you find on that same sheet the name of James B. Davis?—A. Yes, sir.

Q. Do you find also there the name of Charles T. Weightman?—Yes, sir.

Q. Do you find the name of W. Riechmann?—A. Yes, sir.

Q. Do you find the name of John Dorcy?—A. Yes, sir.

Q. Where does he reside?—A. 2223 Tenth street.

Q. Now, please turn to the original special registration sheet of precinct 73, and inform me whether you find on that sheet the name Peter Phelps?—A. Yes, sir.

Q. Registered from where?—A. North side of Warren street, between Ninth and Tenth streets.

Q. Do you find on that same sheet the name of Samuel Ales?—Yes, sir.

Q. Registered from where?—A. 922 Warren street.

Q. Now, please turn to the official and original registration sheet from precinct No. 74, and inform me whether you find the name of W. Snyder?—A. Yes, sir.

Q. What name do you find opposite to 421; make out with the name is the best you can, the name as written by himself?—A. Is the last name Boyd?—A. I think so.

Q. What is his first name?—A. I make that J. N. Boyd.

Q. Can you make J. C. Boyd out of it?—A. No, sir.

Q. The best you can do is to make J. N. Boyd out of it?—A. Yes, sir; that is the best I can do.

Q. Please inform me whether you find the name there on this special official, and original sheet of J. R. M. Bryant?—A. Yes, sir.

Q. Do you find thereon the name of F. W. Warning?—A. F. W. Warning; yes, sir.

Q. Registered from where?—A. 2519 North Twelfth street.

Q. Now, please turn to the official and original special registration sheet from precinct 75?—A. All right; here it is.

Q. And inform us whether or not you find there the name of John Heurman?—A. Heurman.

Q. Registered from where?—A. 2907 Broadway.

Q. Do you find on that same special, official and original registration sheet the name of William H. Loen?—A. Yes, sir.

Q. Registered from where?—A. 3035 Broadway, rear.

Q. What name do you find opposite registration number 353?—A. L. W. Locke.

Q. Is that Y or W?—A. It is W.

Q. Does this long stroke belong to the upper or lower name; if that belongs to the lower name, it makes it W; if it belongs to the upper name it makes it Y?—A. That belongs to the lower line; that forms the letter B for the lower line.

Q. Where is he registered from?—A. 2708 North Sixth street; it looks like a 6; it might be a 9.

Q. Do you find on that same registration sheet, official and original, the name, as written by himself, of Frank Kafter?—A. Yes, sir.

Q. Does he reside at 2813 North Ninth street?—A. Yes, sir; he was registered from that number.

Q. Do you find on that same sheet the name of James H. Stark?—A. Yes, sir.

Q. Registered from 2805 North Ninth street?—A. Yes, sir.

Q. Do you find on that same sheet the name of Benjamin W. Key?—A. Yes, sir; I do.

Q. Registered from where? 1201 Wright street?—A. Yes, sir.

Q. In his own handwriting, and in the most legible style?—A. Yes, sir; very plainly.

Q. On the same original, official, and special registration sheet, do you find the name of E. Herrington, registered on Broadway, between Montgomery and Spring?—A. Yes, sir.

Q. Do you find on that same sheet the name of James H. Ring, registered from 2710 North Ninth street?—A. Yes, sir.

Q. Do you find on that same sheet the name of Henry Kurth, 2909 North Ninth street?—A. I do.

Q. Do you find on that same sheet, opposite registration number 371, the name of Charles W. Price, registered from 2700 North Eleventh street?—A. Yes, sir.

Q. Do you find on that same original sheet opposite the number—registration number 377, the name of Henry Wegener, 2817 Broadway?—A. I do.

Q. Do you find on that same official and original registration sheet, opposite registration number 381, the name of Charles Fisher, 3200 Broadway?—A. Yes, sir.

Q. Do you find on that same official and original registration sheet, opposite registration number 385, the name of William Conwell, 3001 Broadway?—A. Yes, sir.

Q. Do you find on that same sheet opposite registration number 395 the name of David Curry, 1115 Saint Louis avenue?—A. Yes, sir.

Q. Now, please turn to the official and original registration sheet made at the polling station numbered 83, and inform me whether opposite special registration number 180, you do not find the name of Charles Everns?—A. Yes, sir.

Q. Registered from 3234 Broadway?—A. Yes, sir.

By Mr. POLLARD:

Q. How do you spell it?—A. E-y-e-r e-n-s.

By Mr. DONOVAN:

Q. Isn't there any T there?—A. No, sir.

Q. So the name is not Evarts?—A. No, sir.

Q. Please inform me whether or not on this special and original official registration sheet, you do not find opposite the registration number 186 the name of John A. Seiber, registered from 3218 Broadway?—A. Saber.

Q. What is the best you can make of it?—A. Saber.

Q. It appears to have been written by the man himself, does it not?—A. Yes, sir. I don't think that dot has anything to do with it.

Q. So you make the name John A. Saber?—A. That is what I think I would read it if I had to copy it.

Q. Please inform me what you make out of the name opposite special registration number 189?—A. It has been written over here by someone else, as Stein—Anton Stein.

Q. That is in pencil?—A. Yes, sir.

Q. That is evidently not written by himself?—A. No, sir.

Q. And what do you make out of the first name as written by himself?—A. I think I would make that out of it; Anton Stein.

Q. What sort of a letter is this?—A. That is intended for an A.

Q. Did you ever see an A made that way before?—A. I would have known it if it was not connected with the balance of the word.

Q. Doesn't it look very like a clothes-horse?—A. Well, that is certainly intended for an A, because the balance of the name carries out; the completion of the name makes it an A.

Q. Please inform me if you do not find on that same original special and official registration sheet, opposite special registration number 181 the name of Harry B. Piatt?—A. Yes, sir; registered from 3236 North Tenth street; yes, sir; that is here.

Q. Written in a plain, legible hand?—A. Yes, sir.

Q. Please inform me if you do not find on that same registration sheet, opposite special registration number 200, the name of John Da 3129 Broadway?—A. I do find it.

Q. Will you please examine the name opposite special registration number 205; somebody registered from 3129 Broadway, and please inform me what you make out of that name?—A. I can't make anything out of it; it is German.

Q. You are to make out of it whatever you can; what do you make out of it?—A. I couldn't make anything out of it; it is certainly German.

Q. And Anton Stein was also German, this other name?—A. Yes, sir.

Q. And now this name is German?—A. Well, but there is no connection there which made it legible.

Q. But here there is none?—A. I make it Houss; or may be that is a p.

Q. Is it Houp or Houss?—A. I make it Oouss.

Q. Well, you give that name up?—A. I give it up.

Q. Please inform me whether you do not find opposite special registration number 208 the name of Valentine Lieber, as registered from 810 Dock street?—A. Yes, sir.

Q. Isn't that a plain L?—A. Yes, sir.

Q. Please inform me if the name of S. C. Hough does not appear opposite special registration number 210, as registered from 3301 Broadway?—A. Yes, sir.

Q. Please inform me if you find the name of Jules Neltz, written himself in plain long hand, opposite special registration number 210 and as registered from 3232 Broadway?—A. Yes, sir.

you please 'examine the name opposite special' registration i, which seems to be somebody registered from 3301 Broad-
 l give you a little assistance with the first name. Now, first
 at the first name is Tolcaz.—A. I will have to give that up.
 i don't know what the first name is, what is the last name?
 I don't say that; that is written in German.
 anything like Tolcaz?—A. I give it up; I can't read it; it
 216.

oth give it up?—A. There is no use talking about it; I don't
 name can be read.

f the man can't spell his name so that we can read it, that is
 hat he should be disfranchised, if he is otherwise a qualified
 No, sir.

her he be Republican or Democrat?—A. Yes, sir.

ie is probably a Republican?—A. Judging from the name;

e turn to the official and original (don't forget the word
 in your transcript, Mr. Notary), special registration sheet
 district 85, and inform me whether you do not find thereon
 f George B. Randall as registered from 4019 Broadway?—

u find on the same sheet the name of James J. Wild, speci-
 red from 3929 Broadway?—A. Yes, sir.

u not also find on that same sheet the name of John Dite-
 3715 Broadway?—A. Yes, sir.

Please inform me if you do not find the name there, and
 en in plain letters, on that same special registration sheet, of
 vey, from 4020 North Seventh street?—A. I find that name

name is spelled A-b-o-n-e?—A. Yes, sir.

he 4020 is plain?—A. Yes, sir.

ow, what is this; is this North Second or North Seventh

LARD. I object to this manner of examination, for the reason
 kes himself the witness, which is not proper.

fr. DONOVAN:

onter, please read what appears there on that official, spe-
 iginal registration sheet.—A. Abone Harvey, 4020, and the
 itten here in German. It is North something in German. Set-
 s all I can make out of it; it is in German. I am not able to
 o the street, because it is written in German; 4020 some
 itten in German. I can't answer, because I can't decipher it.
 e inform me if you find there in plain letters the name Y.
 er, on that same registration sheet, as registered from 3709
 h street?

LARD. I object to that question, because it is leading, and
 s putting into the mouth of the witness the answer he de-
 o make, as he has in each of these questions heretofore.

OVAN. Do you mean to say that Mr. Gonter is going to
 lie for either of us, or is going to be influenced by questions
 one of us?

LARD. I mean this: That where a name is very doubtful, if
 need, or if it is spelt out, any man, in looking it over, who is
 rt in the matter, may unconsciously accept the suggestion
 His. 27—149

of the counsel; if he is a truthful man and desires to tell the truth he will not purposely accept the suggestions made by his counsel; but yet he may do so, and may thus, to some extent, bias his mind.

By Mr. DONOVAN:

Q. Is there any difficulty in reading that name as it appears upon that sheet?—A. No, sir; it is very plain.

42 Q. What is the name?—A. Y. R. Marsteller, 3709 North Ninth street.

Q. Please inform me whether or not the name of Robert Brenmer does not appear there as registered from 4030 North Tenth street?—A. Brenmer, 4030 North Tenth street.

Q. Does the name of G. W. Monroe appear there registered from 4036 Broadway?—A. Yes, sir.

Q. Please inform me what appears in plain characters on this sheet, opposite this line which I now place my finger on, inasmuch as I can't call your attention to it in any other way, owing to the objections of the counsel for the contestant?—A. Charles Hobbs, 4036 Broadway.

Q. Is that an o or an e?—A. I would take it for an o.

Q. Please inform me what appears in those plain characters written on that special registration sheet on the line on which I now place my finger?—A. William Hood, 3918 Broadway.

Q. Mr. Pollard spent about half an hour this morning, insisting that that man's name was William Wood; is that Wood or Hood there?—A. That is Hood, very plain.

Q. What is this name?—A. Michael Tebean.

Q. Registered from where?—A. 4016 Broadway.

Q. What is this name?—A. Scharienton.

Q. Registered from where?—A. 3900 Broadway.

Q. Now, Mr. Gonter, please turn to the official and original registration sheet from poll one hundred and eighteen, and inform us whether there appears upon that sheet the name of Ben Wolf, 1208 Wash street?—A. Yes, sir; W-o-l-f.

Q. Please inform me what you make out of the name opposite registration number 284?—A. Curtis Knappsteadt.

Q. Registered from where?—A. 111 North Thirteenth street.

Q. Please inform me what appears in plain characters opposite special registration number 286?—A. Louis Meyer, 1119 North Thirteenth street.

Q. Please turn to the official and original special registration sheet for polling district 119, and inform me whether the name of Theo. Heuerman does not appear there as registered from 1022 East Sixteenth street?

Mr. POLLARD. I object to that question, for the reason that it is leading.

A. Heuermann; 1022 East Sixteenth street.

By Mr. DONOVAN:

43 Q. Since in the midst of men's names I am not permitted to designate one whose registrations I am inquiring about, I will now place my finger on the line and request you to inform me what name appears opposite to my finger on that line?—A. Peter Davis, 1117 North Fifteenth street.

Q. Do you find the name of L. Ahe registered from 1005 North Fifteenth street on that sheet?—A. Yes, sir.

Q. What is his name—his first name?—A. L.

Q. Please inform me if the name of John Steften does not appear on this sheet as registered from 1006 North Seventeenth street ?

Mr. POLLARD. I object to that as leading.

A. John Steften, yes, sir; 1006 North Seventeenth street.

By Mr. DONOVAN:

Q. I shall have to use the mute alphabet now and place my finger on this line and ask you what name appears thereon ?—A. Howard Cullough, 1020 East Sixteenth street.

Q. Does the name of Louis Zoelner appear as registered from 1123 North Sixteenth street on this same sheet ?

Mr. POLLARD. I object to that as leading.

A. Louis Zoellner.

By Mr. DONOVAN:

Q. Please turn to the official and original registration sheet of district 133, and inform me what you find there opposite the number 21 ?

A. William Quernheim.

Q. Is that Quernlein or Quernheim ?—A. I make it Quernheim.

Q. Registered from where ?—A. 1515 North Sixteenth street.

Q. Please inform me if there does not appear in plain characters the name of A. G. Hain, registered from 1603 Cass avenue ?—A. 1603 Cass avenue; all right.

Q. Is there any mistake about that being Hain ?—A. No, sir; none whatever, in my opinion.

Q. What appears opposite to special registration number 220 ?—A. William C. Bake; it might be William J. Bake.

Q. Bake ?—A. Bake; yes, sir; B-a-k-e; 1773 Cass avenue.

Q. What do you make out of the name opposite registration number 30 ?—A. Peter Fleher.

Q. And he is registered from 1520 North Fifteenth street ?—

A. Yes, sir.

Q. You think that is a 5 ?—A. Yes, sir.

Q. Will you please inform me whether this name is Charles Edward Pistor, or Charles Edward Piston, 1515 Cass avenue ?—A. Pistor, 1515 Cass avenue.

Q. It may be spelt Putor ?—A. No.

Q. You think not ?—A. No, sir.

Q. It appears to you to be Pistor ?—A. Yes, sir.

Q. Will you please turn to the official and original special registration sheet for polling precinct 141 ?—A. I have got it.

Q. And tell me what name appears in plain, legible hand opposite where I now have my finger ?—A. Henry Ruhe, 1606 North Seventeenth street.

Q. What is the name opposite special registration 121 ?—A. John Ludwig, 1626 North Fourteenth street.

Q. Isn't that "North Fourteenth street" in plain letters ?—A. Yes,

Q. What name is on this line ?—A. Peter Klein.

Q. Registered from where ?—A. 1626 North Fourteenth street.

Q. Will you please inform me whether the name of D. F. Lusk appears as registered from 1948 North Sixteenth street, or whether it is D. Squash; or what is it ?

Mr. POLLARD. I object to the question, because it is leading.

A. It is German, aint it ? I am unable to answer the question.

By Mr. DONOVAN:

Q. You can't make anything out of it ?—A. No, sir.

Q. Please turn to the official and original special registration from precinct 142 ?—A. I have got it.

Q. We don't need that just now ; please turn to 143 ?—A. Here it is.

Q. Please inform us what name appears opposite to the place at which I now have my finger ?—A. August Rohlfing, 1426 Monroe street.

Q. Do you find the name of Jacob Lipp, junior, 2121 North Fourteenth street ?—A. Jacob Lipp ; all right.

Q. Do you find the name of Henry Marks ?—A. Yes, sir.

45 Q. How do you spell it ?—A. M-a-r-r-k-e is what I make it now.

Q. Registered from where ?—A. 1513 Madison street.

Q. Now please turn to the original and official registration from poll 145 ?—A. I've got it.

Q. And inform me what appears opposite to my finger in plain and legible characters ?—A. H. H. Wobbe.

Q. Registered from where ?—A. 1519 Warren street, or 1514 Warren street.

Q. Is it 14 or 19 ?—A. It is 14.

Q. Why did you say 19 ?—A. Because it looks so much like a 9, but here is a 9 below ; it might be 19, it is either 14 or 19 ; it is open at the top ; I would take it to be 14.

Q. Now, please turn to the special registration for precinct 148 ?—A. Here we are.

Q. Please inform us what appears opposite to where I have my finger ; do you give it up ?—A. No, sir ; I don't give it up ; it is Robert Mooney.

Q. Or Nooney, which ?—A. Mooney is what I make out of it.

Q. Or Wooney ?—A. No.

Q. Or Cooney ?—A. No, sir.

Q. You think it is Mooney ?—A. Yes, sir.

Q. You think that is an N ?—A. Yes, sir.

Q. How many strokes are there in that M or N ?—A. I think it is Mooney.

Q. How many strokes are there in that letter ?—A. There are but two.

Q. Does it not require more than two strokes to make an M ?—A. Yes, sir.

Q. You have done the best you could with it ?—A. Yes, sir ; I have done my best.

Q. Now, please turn to original registration sheet 149 ?—A. I have it.

Q. Please inform me what appears opposite where I hold my index finger ?—A. John J. Schmit, 1624 Montgomery street, between Sixteenth and West Sixteenth street.

Q. What note is made opposite his name in the column headed "Remarks ?"—A. "Registered from present residence, and name omitted." I suppose that the man was originally at that number, which is given out on the paper.

46 Q. Please inform me what appears opposite to special registration number 366 ?—A. Fred. von Behren.

Q. Registered from where ?—A. 1612 Saint Louis, Missouri. It means Saint Louis avenue, of course.

Q. Please turn to the special registration sheet for district 151. Do you find on that the name of Josiah Wilson, from the south side of North Market street, between West Twentieth and Jefferson avenue ? If you do not find it, what do you find ?—A. Josiah Wilson, North Market, between—it is, part of it, completely obliterated—North Market, between West Twentieth and Jefferson avenue.

Q. What do you make out of the name opposite registration number 429 on that sheet ?—A. Ernst Schlomann.

egistered from what place?—A. 1936 Benton street.
o you find the name of Philip Lemarx, 1819 North Market?—
sir; 1819 North Market street.

r. Gouter, please inform us, after turning to special registration
153—A. I have that book here; all right.

asmuch as the contestant's counsel wasted about twenty min-
that name, I will please ask you what appears there in plain
ers?—A. Joseph Britt.

ow do you spell it?—A. B-r-i-t-t.

in it be spelled any other way there?—A. No, sir.

there any mistake about it?—A. No, sir.

egistered from where?—A. 1907 University.

ease examine the same special registration sheet and tell me
ame appears opposite to my finger, the same being one fre-
under discussion here?—A. Charles Turgens; south side of
between Twenty-first and Twenty-second street. This gentle-
re, Mr. Wieselahn, states it is a J, but I say it is a T; it is
s plain a T as I can make it.

ease inform me what appears on that sheet opposite registration
240?—A. Three crosses (XXX).

egistered from where?—A. South side of Herbert street, be-
twentieth and Twenty-first; supposed to be Caspar Schwicke.
ut from what the man wrote here himself it would be impossible
mine?—A. No one except an Italian.

ease look at what appears opposite to registration number 241
nd tell me what name that is?—A. Also three crosses (XXX).

Q. Or a rail fence, which?—A. Three crosses, sir; it looks
ke Chinese.

egistered from where?—A. Registered from 2111 Saint Louis

ave you got any means of determining what the name is?—A.

ritten by some Good Samaritan?—A. Tim Hain.

heim?—A. Or Heim. It may be Haein; that's what it is, too.
hat letter is that?—A. H.

nd that?—A. There is the same blot over that letter that there
you can see that here. I would take it to be an A, but it is a
ot on the paper.

nd what letter is that?—A. The names is Haeim.

here is the e?—A. Right here.

that an e or an i?—A. There is the e and here is the i.

that is an e and this an i, then this must be an n?—A. I said
efore; Haein.

nd what is it over here in this column?—A. Haein.

is might be read Hein as well as any other way?—A. No, I
ot.

OLLARD. I object to the question.

By Mr. DONOVAN:

ill you please tell me what appears opposite to the special regis-
number 242?—A. That is hieroglyphical; you had better let Mr.
y that; it looks like some of the hen-tracks he is making.

here are those hieroglyphics registered from?—A. South side
ert street, between Twenty-first and Twenty-second street.

nd what appears in plain characters opposite to registration
246?—A. George W. Danner; it is very plain, sir.

Q. Registered from where?—A. South side of Herbert street, between Twenty-first and Twenty-second street.

Q. Please turn to the original and special registration for polling district 165, used at the last election on November 2, 1880, and inform me whether you find there the name of G. H. Smith?—A. G. H. Smith, Nineteenth street and Herbert.

Q. Do you find there the name of F. Hackmann opposite special registration number 364?—A. Yes, sir.

48 Q. Registered from where?—A. Corner of Seventeenth and Davis street.

Q. What do you find opposite special registration number 367?—A. Justus Pfeiffer.

Q. Registered from where?—A. 3509; Eighteenth and Davis.

Q. Do you find the name of Adolph Wibbing opposite registration number 369?—A. Yes, sir.

Q. Registered from where?—A. Northwest corner of Davis street and Eighteenth street.

Q. Will you please exercise your ingenuity and make out for me the name opposite registration number 384?—A. Christ. Hanebrink, Mal-linkrodt, between Fourteenth and Fifteenth street.

Q. Now, do you find the name of John Anzer, 3207 North Seventeenth street, opposite 385?—A. No, sir; I find Joseph Anzer.

Q. Registered from where?—A. 3204 North Seventeenth street.

Q. Or 3207, which?—A. 3204.

Q. Or 3209?—A. 3204.

Q. Well, you make it out a 4?—A. Yes, sir.

Q. Now, please turn to special, original, and official registration sheet for precinct 166?—A. Here it is.

Q. Please inform us whether you find thereon the name of Christ Ahrens, 3808 North Eighteenth street?—A. A-h-r-e-n-s; Chr. is the first name.

Q. Do you find Joseph Rogers registered from Seventeenth and Garibaldi?—A. Joseph Rogers; all right.

Q. Do you find August Zemke, 1800 Bremen avenue?—A. August Zemke, 1800 Bremen avenue.

Q. What appears to be the name opposite registration number 413?—A. Burs.

Q. Registered from where?—A. Eighteenth, between Garibaldi and Bremen avenue.

Q. Do you find opposite registration number 418 the name of Herman Spickermeyer, registered from Twentieth and Salisbury streets?—A. Yes, sir.

Q. Is there any mistake about that being Herman?—A. No, sir; none.

Q. What do you find opposite special registration number 428?—A. Henry Linenmaber, or Linenmieber.

Q. Registered from where?—A. 4025 Kossuth avenue.

49 Q. Please turn to the official and original special registration sheet used on election day, last November, in precinct 167 and inform me whether you find the name of John Joskel registered in that sheet from Grand avenue, between Natural Bridge road and Lee avenue?—A. John Joskel; yes, sir. It is from Grand avenue, between Natural Bridge road and Lee avenue.

Q. Do you find the name of W. Koehr as registered from the corner of Glasgow avenue and the Natural Bridge road.

Mr. POLLARD. I object to that as leading.

A. W. Koehr, corner of Glasgow avenue and Natural Bridge road.

By Mr. DONOVAN:

Q. Do you find William Nichols's name there on that sheet?—A. William Nichols.

Q. Registered from where?—A. Corner Bensen and Thompson avenue.

Q. Do you find the name of Robert Hintz?—A. Hintz.

Q. Registered from where?—A. Grand avenue and Natural Bridge road.

Q. Please turn to the original, official, and special registration sheet of precinct 168, and inform me what appears on the line opposite to finger, and I ask the question in this way because the name has been the object of much contention and much disturbance to Mr. Pollard during the greater part of this morning.—A. Ed'd Muckermann.

Q. Registered from where?—A. 3727 North Eleventh street.

Q. Is there any mistake about the name?—A. None whatever. The name is there plain, but there may be a mistake about the address.

Q. It might be what?—A. It might be 3737 or 2727.

Q. It might be either one of these two?—A. Yes, sir.

Q. Yet, as we have no educational qualification in this country, if there happens to be a mistake or an inaccuracy in making one of the numbers, the voter being otherwise properly qualified, ought to be permitted to cast his ballot?

Mr. POLLARD. I object to that, because the Democratic party of the city of Saint Louis saw fit, in their wisdom, notwithstanding the opposition of the Republican party, to repeal a constitution of this State which required that a man, to be a voter, must be at least able to read and write his own name, and by that means introduced the non-educational issue into our constitution. Prior to that time, in the good old Jefferson days of Republican administration, a constitution was adopted whereby every man, when he should arrive at the age of 21 years, could be able to read and write his name; but this was extremely obnoxious to the Democratic party, inasmuch as one-tenth part of the rank and file could not qualify under that constitution; so another magistrate saw fit to remove the wholesome law from a fundamental law of the State.

Mr. DONOVAN. If Mr. Pollard has got rid of his surplus enthusiasm, I will ask the witness what name appears on this line opposite registration number 369?—A. Arnold Fuchterman.

Q. Registered from where?—A. 3930 Garibaldi.

Q. What name appears opposite registration number 372?—A. Jacob Bottom.

Q. Registered from where?—A. 3716 West Eleventh street or North Eleventh street; I guess it is North Eleventh street.

Q. From what papers have you been reading, Mr. Gonter?—A. I have been reading from special registration sheets written at the polls election day, November 2d, 1880—the registration taken at the polls.

Q. You have been reading from the original registration sheets?—A. Yes, sir.

Q. Those now on file in your office?—A. Yes, sir.

Q. And part of the records of that office?—A. Yes, sir.

Q. Mr. Gonter, I would like to ask you this question: Whether, where a party has been registered and his name has appeared upon the registration lists and a subsequent revision the name is omitted, is it the fact that that name was acted upon by the board of revisers?

Mr. POLLARD. I object to that question.

A. That wouldn't follow ; he might be omitted by mistake of our office.

By Mr. DONOVAN:

Q. But in the general—A. Let me answer the other question first ; you put the question and asked if his name had been stricken by the board of revisers, whether he was in that case a legal voter. What is your question ?

Q. Answer it any way.—A. No, sir ; he is not.

Q. Where the name appears upon the original registration sheet and there is no mistake made in regard to it in copying in your office and it failed to appear in the subsequent registration sheets, what reason would you presume was taken in regard to it ?

Mr. POLLARD. I object to that question. I don't think he has any right to argue the case with his own witness ; to build up the case for his client on bare presumptions. Having failed to produce the facts, he is now resorting to what any one can get—presumptions.

By Mr. DONOVAN:

Q. Mr. Pollard always gets this way in the afternoon ; he is, however, quite harmless. Please answer the question, Mr. Witness.—Well, he would not be entitled to vote under the instructions issued from our office.

Q. Well, you would suppose his name was stricken off from the list by the board of revisers ?—A. Yes, sir ; and that he is not entitled to vote.

Q. Who were successful at our last election in this city ; which party ?—A. The Republican party.

Q. Mr. Overstolz, this strong partisan, according to Mr. Pollard, controlled the machinery of politics and was able to do most anything with the political machine, was a candidate, was he not ?—A. Overstolz was a candidate ; yes, sir.

Q. And by what majority was he defeated ?—A. About 13,000.

Q. To what extent did the Democratic party assist in his defeat ?—A. About 9,000 votes.

Mr. POLLARD. I object to that question and answer, because it is not and cannot be within the knowledge of any human being. It is no more than a mere or bare guess at the very most.

By Mr. DONOVAN:

Q. Yet Mr. Overstolz, according to the contestant's counsel, was very adept in handling political tools ; if this was the truth, he certainly in this case proved himself a decided failure in your judgment, did he not ?—A. Well, I don't know ; I don't see how he handled them in what way ?

Q. Mr. Pollard intimates that he was such a partisan that he could manage all our elections so as to elect most anybody ; did he not in his own case, and miserably fail at this last election, if he was supposed to do anything ?—A. I don't think he had any power.

Mr. POLLARD. I object to that, because it is a well-known fact, that the gentleman well knows it as well as I do, that the Democrats did not give Mr. Overstolz a majority in this last election for two reasons first, because there are more Republicans than Democrats in the city ; second, because there were a great many respectable Democrats whom I have no doubt the witness is one, who refused to vote for Overstolz because of the very reason that he "set up" this election last fall, and consented to the perpetration of so great frauds.

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By Mr. DONOVAN :

Q. Well, he was not partisan enough in the use of the political machinery to be elected to the office of mayor this last time?—A. The vote looks that way.

Q. And the vote is overwhelmingly that way, is it not?—A. Yes, sir.

Q. And shows the non-partisan character of this community in general, does it not?—A. I don't know that I am able to answer that question.

Mr. POLLARD. I object to that question for it is not only a leading question but it is an attempt to make the witness state what is not the fact; I am very glad that he says that he can't answer it, as the gentleman wishes him to do.

Q. The whole Republican ticket was elected in the city of Saint Louis, was it not?—A. Yes, sir.

Q. And after a Democratic board of revisers had passed upon the list of voters submitted to them?—A. Not an exclusively Democratic board.

Q. But it was as much of a Democratic board this time as it ever was?—A. Yes, sir.

Cross examination by Mr. POLLARD:

Q. You say the board of revision at this recent election held in this city on last Tuesday was not composed exclusively of Democrats; how many Republicans, I will ask you, are there on that board?—A. I do not know.

Q. Is it not a fact that there is one, and only one on that board?—A. O, no, there is more than that.

Q. Who are the Republicans who are on that board?—A. I really don't know the political complexion of the entire board.

Q. Do you know of a single Republican who was on that board?—A. Yes, sir; there was Mr. Kortjohn and also Mr. Cowen.

Q. Any other one?—A. I can't think of any more now; I don't recollect the names.

Q. That is about the end of the list?—A. No, I think there are more than that; I think there are five or six.

Q. How many members comprise that board?—A. 28.

Q. You said in answer to a question that if a man's name was stricken from the list last fall by this board of revisers, he was an illegal voter; do you know whether there were as a matter of fact a great many hundreds, if not thousands of names of men who were legal voters, who were stricken off by that board of revision?—A. No, sir; I do not.

Q. As a matter of public notoriety this was the case?—A. That I can't say; I don't know what the public think of it.

Q. Do you mean to say, Mr. Gouter, that if John Smith who was born and raised in the city of Saint Louis, who had resided here say at 3130 Carr street for the last forty years; who had registered and voted from there during the last ten elections; and who still resided there in the same house last fall; if such a man was stricken off by this board of revision from the list of voters—do you mean to say that he was therefore an illegal voter?—A. That is the construction of the law by the city counselor.

Q. Then this board of revision, under the instruction of the city counselor—under his construction of the law—is absolute and despotic in its action; they can disfranchise any man in this town they saw fit to disfranchise; could they not?—A. Well, I suppose they could; that is the construction of the law; they could do so if they saw fit and proper.

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Q. You say there were instructions sent out through your office to the judges and clerks of election, did you not?—A. Yes, sir.

Q. To whom were those instructions sent?—A. To the judges and clerks of election.

Q. From your office?—A. Yes, sir; from our office.

Q. I will ask you if you did not testify here that there were instructions sent out from your office to the judges and clerks of election the last fall?—A. Not to-day; I don't recollect it if I did; I spoke of instructions; I didn't say that we sent them out.

Q. Were there any sent out from your office?—A. Yes, sir.

Q. Who drew up those instructions?—A. Mr. Bell.

Q. Who is Mr. Bell?—A. The city counselor.

Q. He is a Democrat in politics?—A. Yes, sir.

Q. Well, is it not a matter of public notoriety to such an extent that the truth thereof is forced upon the mind of every conservative honest man, that Mr. Overstolz was beaten at this recent election more because of the numerous frauds he had perpetrated while mayor than for any other reason under heaven?—A. I can't answer that question; I don't know the cause that led to his defeat.

Q. You have been recently legislated out of office, have you not?—A. Yes, sir.

54 Q. And by the Democratic legislature of this State?—A. Yes, sir.

Q. Was it not because heretofore your office has been filled by the appointment of the mayor; and is it not now made by this recent legislature the duty of the governor of the State to fill the office?—A. Yes, sir; the governor fills it now under the new law.

Q. It is true, however, that prior to this change in the law your office was filled by appointment of the mayor?—A. Yes, sir.

Q. It is likewise true, is it not, that last fall there has been a Democratic governor, elected for four years, of this State?—A. Yes, sir.

Q. Who has taken his seat since the first of last January?—A. Yes, sir.

Q. Is it not also true that your office is the most important one in the city as regards the registration of voters in this city?—A. Yes, sir; the only one here.

Q. The only one that has to do with it?—A. Yes, sir.

Q. And isn't it a fact so patent that it is part of the unwritten history of this city, that that change was made for the purpose, and the sole purpose, of continuing in power, for four years at least, against the will of the people—against a large majority of the citizens of this city, a Democrat in that office?—A. That I can't answer.

Q. Is it not a fact, Mr. Gonter, that because of the fact that you are willing to do what you think is right and are not willing to obey all the behests of a Democratic organization that you are so summarily kicked out of office?—A. I am not kicked out of office; I am not out of office yet.

Q. But this law is already passed?—A. Yes, sir.

Q. When does it go into force?—A. In ninety days after its passage.

Q. Which will now be very soon?—A. First of June.

Q. Isn't that one of the objects of the passage of that law?—A. I can't say what the object of the bill was.

Q. Isn't it a fact that Mr. Overstolz as mayor appointed not only all the revisers but had the exclusive control of the enfranchisement and disfranchisement of voters last fall, the appointment of all the clerks and judges of election?—A. Well, Mr. Overstolz, the mayor, who was

in charge of that board, I don't think it was ever his purpose to make that a political body; he has repeatedly told me that he wanted it as equally divided as possible, if we could find the right persons; and last fall, particularly, he had appointed three Republicans that declined to serve, among them was George W. Parker, the present presiding officer of the city council, and two others. It is a difficult matter to find those men who would serve and I am satisfied that Mr. Overstolz had no thought of selecting that board in a political sense.

Q. Now, I will ask you what I was about to ask you a moment ago; isn't it a fact as well as an adage that a man's actions speak quite as loud as his words?—A. That I can't answer, either.

Q. Isn't it a fact that out of that whole board of revision as appointed by Mr. Overstolz last fall, there were only four Republicans?—A. I don't know the number; I can't say.

Q. Isn't it a fact that each and every one of those four Republicans were Overstolz men?—A. That I couldn't say.

Q. And is it not a fact that Mr. Parker, and these other two or three Republicans whom he appointed, were appointed by him as Republicans, he well knowing at the time that they would not serve on that board?—A. That I don't know.

Q. And isn't it a fact that the places of those three or four Republicans who refused to serve were filled by Democrats?—A. I have forgotten now who they were.

By Mr. DONOVAN:

Q. What board are you now speaking of?—A. Last fall.

Q. Before the November election?—A. Yes, sir.

Mr. POLLARD. If Mr. Gonter fails to understand my question, I want him to ask for information, or to have the question explained; he is the last man in this town I would endeavor to mislead.

Q. Do you know Mr. Stolteleben?—A. Yes, sir.

Q. Joseph S.?—A. Yes, sir.

Q. A member of that board last fall?—A. Yes, sir.

Q. He is a Democrat?—A. I don't know whether he is a Democrat or not; I never met the man until I saw him in the board there last fall; I don't know what is his politics.

Q. I will ask you, Mr. Gonter, under the law creating that board of revision, and prescribing its powers and duties, I will ask you what they had to do as a board?—A. Their duty was to take the poll books and the names furnished them of the registered votes of the city, and ascertain whether the parties registered from the numbers stated on the books actually lived there; if not, their instructions were to strike them off under the law; strike all those parties off.

Q. Well, the law provided in *hac verba*, did it not, that this board as a board should hear testimony concerning the propriety of their names being stricken off?—A. Yes, sir.

Q. And the law did not provide, either by implication or otherwise, did it, that this board of revisers should delegate its entire authority to the individual members of the board?—A. There is nothing in the law to employ assistants, nor to prevent those parties from employing assistants.

Q. But, as I say, the law did not provide, either by implication or in any other way, that this board of revisers should delegate its whole authority to the several members composing that board, did it?—A. Not as a board; no, sir; each individual member acted upon his own view of the matter, I suppose.

Q. You don't seem to catch my question, so I will repeat it. Did the law directly or indirectly, absolutely or by implication, authorize or empower this board as a board of revision, to delegate its authority to individuals who were recommended to it by the Democratic central committee to do its work?—A. I don't think there is anything in the law to allow them any such privilege.

Q. Mr. Gonter, I want to ask you whether or not the members of that board as individuals, without the sanction of the board, sought and received from the Democratic central committee, individuals who were Democratic partisans, to do the canvassing in the ward of any individual revisers without being sworn, such action not being contemplated by the law?—A. That I couldn't say, sir; I couldn't answer that question.

Q. Have you ever read the law?—A. Yes, sir.

Q. You were the secretary of this board of revision, were you not?—A. Yes, sir.

Q. And you are not prepared to state whether or not the law authorizes any such proceeding?—A. No, sir.

Q. I want to ask you, Mr. Gonter, if an individual reviser—an individual member of that board saw fit (as has been proved in this record) to employ outside men to make the canvass of his ward, and to strike from the list of registration furnished him such names as they saw fit, and reported to that individual reviser, and then he took their report for his report, and reported it to the board; I want to know of you whether in that event it was a substantial compliance with the
57 law?—A. I don't think it was; I don't think the law contemplated anything of the kind.

Q. Isn't it the fact that the mayor had the power to and did last fall appoint for each poll a special registrar?—A. No, sir; he did not.

Q. Who did appoint the special registrars?—A. The judges of election.

Q. They appointed them after they met at the polls?—A. Yes, sir.

Q. That is the compliance with the law, is it?—A. Yes, sir; that is the law.

Q. Does the law contemplate or designate whether that registrar shall be of any particular party?—A. No, sir.

Q. Is it not a well-known fact, so well known that it is a part of the unwritten history of this city, that at the various precincts at the last November election these registrars were almost exclusively Democrats?—A. That I don't know; I don't know anything of them at all.

Q. These registrars, under the law, had a very extensive authority had they not?—A. They had the same authority that I had as recorder of voters.

Q. They could, if they saw fit, register any man whom they pleased?—A. Well, no; they had their instructions as well as the judges of election.

Q. Just simply instructions?—A. Yes, sir.

Q. And if they saw fit to violate them and register men whom they ought to have known were not qualified voters at their precincts, or refused to register those whom they ought to have known, and in many instances did know were qualified voters in their precinct, there was no appeal from their action, was there?—A. No, sir.

Q. That was absolutely final?—A. I think so.

Q. And the judges of election were compelled to receive the vote of him who had been that day registered by this registrar?

Mr. DONOVAN. I object to further proceeding with this matter, for the

reason that Mr. Gonter is here being asked his individual construction of the written law; he does not claim to be a lawyer, and doesn't claim that his opinion is any better than that of any other intelligent citizen; and the object of this hour's conference has been to waste time and nothing else; for the counsel knows that the law itself is in the record, and has been expounded by a distinguished lawyer, the city counselor of the city of Saint Louis; and it is idle work to be asking an individual opinion of an intelligent citizen who never claimed to be an expert in the matter. If the counsel for the contestant is simply drawing this examination out on this immaterial issue simply to fill up the time until adjournment hour, and it certainly looks that way, I will, with my usual degree of courtesy, agree to adjourn now, and save the committee the reading of a lot of stuff that has no bearing whatever on the case.

Mr. POLLARD. When the gentleman sees fit to fill this record full of long-winded speeches, loud sounding and sonorous, he ought not to complain if I very briefly and pointedly, without iteration or reiteration, endeavor to ascertain facts pertaining to this case, and from this his witness.

Mr. DONOVAN. Please, then, seek for such facts, and not call for individual opinions on a law that is written and is already incorporated in this record.

By Mr. POLLARD:

Q. Mr. Gonter, in compliance with the instructions from the gentleman who represents the contestee, and in obedience thereto, I will ask you whether or not you are not much better able to expound this law than nine hundred and ninety-nine men out of every thousand in this city?—A. Well, I can't answer that question.

Q. Have you not made it a study?—A. Yes, sir, I have.

Q. Have you not made its operations a study?—A. Yes, sir.

Q. Do you not know that under that law it is the easiest thing in the world to commit gross frauds and outrages.

Mr. DONOVAN. Is that the reason that the Republican party was so successful at our last election?

Mr. POLLARD. I object to any interruptions and loud and boisterous talking from the gentleman who represents the contestee.

A. I don't know; their frauds were not committed in my office.

Q. I want to ask you, Mr. Gonter, whether if under that law a man who had been improperly and illegally stricken off by this board of revision last fall, whether he had strictly and literally any right to be re-registered on election day?—A. He had not.

Q. Isn't it a fact that as construed by the Democratic city attorney, and as operated by the Democratic judges of election last fall, that a man need not get a transfer in order to vote, provided he had not moved out of his precinct, subsequent to his last registration, but prior to the election?—A. All persons who were removed from where they had registered are required by law to report the same to my office.

59 Q. Would it not, under the law, be improper for the board of revision, or, I will say, for an individual member of that board to transfer an individual from one precinct to the other without notifying the board of such action?—A. No, sir; it would not be improper.

Q. An individual member of the board could do that without referring it to the board?—A. Yes, sir; all such transfers came straight to me where they were made on the books. But it is not necessary for them to have the action of the board on them; I will transfer any per-

son from one residence to another—any man who will bring his transfer to me, or notify me of his transfer of residence, I will change o books. The law requires that they shall report to me their removal they can do it by letter or in person or by another person.

Not being able to complete the taking of these depositions, I do adjourn the further taking of the same until to-morrow, Tuesday, . 12, 1881, then to be continued at the same place at the hour of o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, .

Term expires March 13, 1882.

No. 49.

Pursuant to adjournment as above stated, on the 12th day of April, 1881, at the hour of nine o'clock in the forenoon, I resumed the further taking of depositions in this contest as follows:

1 CHARLES G. GONTER'S cross-examination resumed:

By Mr. POLLARD:

Question. Mr. Gonter, I wish you would tell me what book you hold in your hand?—Answer. Saint Louis City Directory for the year 1881.

Q. When was that published?—A. It must have been published in the last month.

Q. Is it true that the directory has been issued within the last four days?—A. I could not say that.

Q. Have you seen any before?—A. No; this is the first I have seen.

Q. You are holding a public office in which it is necessary to have the very latest city directory?—A. Yes, sir.

Q. And you have subscribed for the one this year?—A. Yes, sir.

Q. And have not received it?—A. No, sir; I get my directory from the supply commissioner.

Q. He is probably two or three days later than others?—A. Maybe; I have not received mine.

Q. That directory was received yesterday; if have made a mistake correct me.

Mr. DONOVAN. And is the property of Donovan & Conroy.

Mr. POLLARD. And is the property of the contestee's counsel in this case. I wish you would tell me, Mr. Gonter, whether you find in that directory the name of Peter Merkel, address, 916 Madison street?—A. Merkel, Peter; I find him here.

Q. What is his address?—A. 916 Madison street.

Q. In your judgment, if it is in that directory, which has been issued within the past few days, and the materials for which have been gathered in the last thirty days, is it or is it not probable that that man, Peter Merkel, has been residing at that place within the last thirty days?

Mr. DONOVAN. I object to that question, for the reason that it is a matter of city history that the information in regard to a city directory is not collected within the last thirty days.

A. Well, in reply to your question, I would say whilst this name appears from 916 Madison street, he may since that time have moved.

2 Mr. POLLARD. I admit that proposition; but, it is at least probable, is it not, that that man resided at that place when the material for that directory was collected?—A. I should think so.

Q. Will you please look for the name of James B. Davis?—A. James Davis, 1120 North Twelfth street.

Q. See if you find James B. Davis, 2002 North Tenth street?—A. Yes, sir; it is here.

Q. Now, will you please see if you find in that same city directory the name of Peter Phelps, Warren street, between Ninth and Tenth street?—A. Peter Phelps, 919 Warren street.

Q. That is between Ninth and Tenth street, is it not?—A. Yes, sir.

Q. Which side of Warren street would that be on?—A. On the north side.

Q. Then if Peter Phelps registered from the north side of Warren

street between Ninth and Tenth street, and the city directory gives him that same location, it is certainly a fair presumption that he resided there, is it not, when the material for the directory was made?—A. I should judge so.

Q. Will you please look for the name and address of Samuel Ales, 921 Warren street?—A. Ales, Samuel, 921 Warren street.

Q. I will ask you, Mr. Gonter, whether 921 Warren street is not immediately opposite 922 Warren street, on the same street?—A. It should be. With the numbers running properly it should be directly opposite.

Q. Now, please turn to poll book for precinct 73, and critically examine that book and see whether it is there—921 or 922 Warren street?—A. 922 Warren street.

Q. Do you know, Mr. Gonter, whether or not 921 and 922 are both in the same voting precinct?—A. I do not.

Q. The precincts in that portion of the town are quite large, are they not?—A. Yes, sir.

Q. And cover over a great many blocks?—A. Yes, sir.

Q. Will you look now in that directory for George W. Snyder, 2513 North Twelfth street?—A. George Snyder, 2513 North Twelfth street.

Q. I wish you would turn to the same book—no; take poll book 72, and see whether or not on that list there is the name of John B. Davis?—A. No, sir; it is James B. Davis.

Q. There is no John B. Davis thereon?—A. No, sir; there is no John B. Davis.

Q. Tell me whether you find the name of J. R. M. Bryant in that directory?—A. 1912 North Thirteenth street; there is James R. Bryant, 1912 North Thirteenth street; there is also a John Bryant.

3 Q. What is his address?—A. 1435 North Nineteenth street there is also another John.

Q. I don't care about any more, unless the counsel for the contestant wants it?

Mr. DONOVAN. I haven't asked the witness a question.

Mr. POLLARD. We found the one that was registered. Look, please for the name of F. W. Warning, 2519 North Twelfth street?

A. No, sir; there is Frederick Warning, 2519 North Twelfth street.

Q. Now, please turn and see if you find the name of John Heuermann, 2907 Broadway?—A. Frank Heuermann.

Q. John Heuermann is what I want?—A. I do not find the name John Huerman.

Q. Heuermann is what I want?—A. Heuerman, Frederick?

Q. No; John?—A. Heumann.

Q. What is the name, and what is the address?—A. Heumann, John 2907 Broadway.

Q. Now, will you please turn to poll book precinct 75, and tell me whether you find his name there or a name *idem sonans*, there?—A. Yes, sir; I find it in here.

Q. What is the address and number?—A. 2907 Broadway.

Q. Please turn to L. W. Locke, in that directory?—A. No, sir; I don't find that here, L. W.

Q. Do you find Leslie Locke?—A. I find L. Locke.

Q. What is his address?—A. 2708 North Ninth street.

Q. Now, please turn to precinct book 75, and tell me whether you find the name of Leslie Locke, or L. Locke there, or that same name—surname—registered there?—A. I find L. W. Locke.

Q. Registered from where?—A. 2708 North Ninth street; or may be North Sixth street; the figure is indistinct.

Q. In the same book, which is precinct 75, tell me if you find the name of James H. Ring, as registered from 2719 North Ninth street?

—A. James H. Ring; 2710 North Ninth street.

Q. That is the only one, is it?—A. That is the only one that I can see.

Q. Now, if you will look once more in the city directory, published within the week past, and tell me if you find there the name of James H. Starke, 2805 North Ninth street, I will be under obligations to you?

—A. I find James Stark.

Q. Where is he registered from?—A. 2805 North Ninth street.

4 Q. Will you look in the same directory and tell me if you find the name of James H. Ring, address 2710 North Ninth street?
—A. James Ring, 2710 North Ninth street.

Q. Look into the same directory, please, and see if you find the name of Charles W. Price, 2700 North Eleventh street?—A. Charles W. Price, 2701 North Tenth street; and there is another Charles W. Price, 1106 Channing avenue.

Q. Will you please now turn back to your poll book and special registration for precinct 75, and tell me whether you find the name of Charles W. Price thereon, and the address?—A. Charles W. Price, 2700 North Eleventh street.

Q. How far is 2700 North Eleventh street from 2701 North Tenth street?—A. It would be one block then.

Q. Do you know whether or not they are both in the same voting precinct?—A. No, sir.

Mr. DONOVAN. I object to further inquiry in this directory, because we do not desire this case to be made up by copies of the city directory; this testimony shows that this man does not live at the place now; the gentleman seeks to locate him at another address, on Channing avenue; it is a waste of time to cause Mr. Gonter to sit here and pore over the residences and names given to him by the counsel for the contestant; if the man did live in the same voting precinct I would not wish to deprive him of his vote by reason of any typographical errors, in either his name or his number; the gentleman well knows that I am willing to concede that to him, although his case is made up of these very typographical errors that he now seeks to take advantage of.

Mr. POLLARD. In the first place, these two places are, and it is well known to the counsel for the contestee, in the same voting precinct, as a matter of fact. In the second place, I say the objection he makes comes with a very bad grace from him who for three long days sat consulting the directory, which was then almost a year old, in the cross-examination of my witnesses; and if he found a name similar in any regard, either in spelling or in sound at that address, or within ten blocks of that address, he put it in the record, with a neat little speech saying that a man ought not to be deprived of his vote by any technicality. Where we fail to find the same man, whom his canvassers have found after, as they said, an examination of that place, within the same house, or within a house not more than a block from there, we will ask the witness nothing about it.

5 Mr. DONOVAN. The statement of the gentleman in regard to my use of the city directory is wholly and absolutely untrue, for the reason that there was not more than thirty names consulted, and those simply at random, and the record will prove my statement to be absolutely true.

Mr. POLLARD. I will concede that the statement has on its face to some extent a fair aspect, for out of the eight or nine hundred names

whom our canvassers failed to discover after the most diligent search in an old city directory that was over eleven months old, the gentleman failed to find more than, as he says, thirty names, and in many instances they were very far distant from the places at which they had registered on election day.

Mr. DONOVAN. I never looked for more than thirty names, and was during the pendency of the investigation in such time as I had to find the thirty names I used I found; and the hundreds that he has besides in his list, I never sought for them; but the gentleman proposes to put the city directory in evidence; if I did see fit to do so could show what my canvassers have done to be the truth in regard to the residences of these people whom I was inquiring about.

By Mr. POLLARD:

Q. I wish you would turn to registration book of precinct number 83 and inform me if there is on that book the name of a man as from North Twelfth street, registered as G. W. Snyder?—A. G. W. Snyder appears on this list as voting from 2513 North Twelfth street.

Q. Look carefully and see if the same man is registered again, if so, from what place?—A. No, sir.

Q. Tell me whether a man by the name of J. R. M. Bryant at thereon as having registered from 2519 North Twelfth street?—A. North Thirteenth street; J. R. M. Bryant.

Q. He is the only Bryant?—A. The only one I can see.

Q. Now, if you will turn to your city directory once more, I will be glad if you will look for the name of Charles Fisher, and see, at what address is 3002 Broadway?—A. Charles Fisher; there are several of them here.

Q. Do you find one there whose address is 3002 Broadway?—A. No, sir; Fisher you want?

Q. Yes, sir.—A. Fisher, Charles; 3002 Broadway.

Q. Will you consult the same directory and tell me if you find there the name of David Curry, with the address 1115 Saint Louis avenue?—A. David Curry.

Q. What address?—A. 1115 Saint Louis avenue.

Q. Will you please look in the same directory, and see if you find the name of Jules Neltz, or Neltz, 3232 Broadway?—A. No, sir; no name here as Jules Neltz. There is a Neltz, Jules, here.

Q. Where is he registered from?—A. 3232 Broadway.

By Mr. DONOVAN:

Q. Are you now stating, Mr. Gouter, that he is registered from that place by looking at the city directory?—A. No, sir; I am not.

Q. What do you mean to state, then?—A. I mean to state that the gentleman is reported as living there at this number.

Q. That is Mr. Neltz?—A. Yes, sir.

Q. And not Mr. Neltz?—A. No, sir.

Q. You can't find him at all?—A. No, sir.

By Mr. POLLARD:

Q. Will you please turn to this same special registration list, but to another precinct, No. 83, and tell me how Mr. Neltz, or Mr. Neltz name is spelled thereon?—A. I should take it to be a z.

Q. I will ask you, sir, if that is not more like a y?—A. No, sir, I think not.

Q. Neltz rather than Neltz?—A. No, sir; it is not; it is a plain z.

Q. Now, will you please state whether the last letter in that man's name bears the semblance of a y?—A. No, sir; none whatever.

Q. Will you please, Mr. Gonter, write that name on a piece of paper—that word Nelty—in the semblance, as near as may be, as it there appears?

(The witness, complying with the request of counsel, copies the said name, and the same is hereto annexed as a part of this record.)

Q. Have you made it, as near as you are able to do it, in the semblance of the name as it appears on that registration book?—A. Yes, sir; I have.

Q. Now, if you will turn to the city directory once more we will look for another name; tell me if you find the name of Abone Harvey, with the address 4020 North Second street?—A. There is no such name here.

Q. Do you find the name of Alf. Harvey, or A. Harvey, in that city directory with the address 4020 North Second street?

Mr. DONOVAN. I object to that question, for the reason that it is a perfect waste of time, inasmuch as neither Alf. Harvey nor A. Harvey appears upon the registration books; but it appears in plain letters Abone Harvey; it would take us from now until next Christmas to be inquiring about all the Harveys that may live in Saint Louis.

A. Here is Abram and Abraham, and Arthur, but none of them answers as to your address.

By Mr. POLLARD:

Q. What do you find in that directory as the residence of Alfred Harvey?—A. I find him at 4026 North Second street.

Q. Now, will you turn to the special registration list of poll 85, and consult the name Harvey there, and tell me what the first name is, and the address?—A. 4020 North Second street is what it would be.

Q. What is the first name?—A. Abone.

Q. Is not the o blotted, and is it not in fact as near Alfred or Abraham as it is Abone?—A. No, sir; it is not.

Q. The o is not blotted there?—A. It is somewhat blurred; yes, sir.

Q. And you don't find the name Abone in the directory?—A. No, sir; I took it for granted that, being in German, it meant Second, but it may not mean that, so far as I know.

By Mr. DONOVAN:

Q. Well, spell it as it appears there?—A. S-e-t-k-e-n street.

By Mr. POLLARD:

Q. It seems to be in German, does it?—A. Yes, sir.

Q. I will ask you whether you are not informed by a German that that is Second street?—A. Yes, sir; I was informed that way; but that has nothing to do with my reading of it.

Q. By what German were you informed?—A. By Mr. Kraft.

Q. Is Mr. Kraft a German?—A. I don't know that. I judge so from his name; that is all.

Q. On that same registration book, for precinct 85, tell me if you find registered James J. Wild, from 2929 Broadway?—A. No, sir; I find James J. Wild registered from 3929 Broadway.

Q. Tell me whether you find the name of Charles Webbs on that list?

Mr. DONOVAN. I object to that question for the reason that there was no inquiry made for Charles Webbs, and nothing was said about him this morning.



Mr. POLLARD. I make the statement now that the counsel for the contestee has no right to make that objection, when he tried to prove by one of his truthful, careful canvassers, that Mr. Charles Webbs did not reside at 4036.

Mr. DONOVAN. The counsel for the contestant is mistaken, for the reason that the inquiry was made in regard to Charles Hebbs.

WITNESS. No, sir; there is no such name here.

By Mr. POLLARD:

Q. Is there such a name as Charles Webbs there?—A. No, sir.

Q. Is there such a name there as Charles Hebbs?—A. I can't find b Charles Hubbs.

Q. I will ask you whether you find, on that same registration list, t name of Michael Tehan?

Mr. DONOVAN. I object again, for the reason that the inquiry was i garding Michael Tebean, and no inquiry was made for Michael Tehs but for Michael Tebean.

WITNESS. No, sir; I find Michael Tebean.

By Mr. POLLARD:

Q. Did you not testify yesterday that the name was Michael Tebea —A. No, sir; I did not, sir.

Q. Is it or is it not Tebeau?—A. I should take it for Tebean.

Q. But the last letter in that name looks about as much like a u does like an n; does it not?—A. Yes, sir.

Q. Now, will you please turn to your city directory once more, a tell me whether you find the name of Michael Tebeau thereon, and t address?—A. Michael Tebeau.

Q. What is the address?—A. Rear of 4016 Broadway.

Q. Now, will you look in the same directory, and tell me if you fi the name of Robert Bremner, with the address, 4030 North Tenth stree —A. Bremner, Robert; Bellefontaine road, near Broadway, south si of Bellefontaine.

9 Q. Will you please tell us if that is not precisely the sa locality, the same place, and the same spot with 4030 No Tenth street?—A. I couldn't say.

Q. When in that portion of the city, which is the northern port of the city, is not Tenth street near Bellefontaine road?—A. Yes, e

Q. And 4030 North Tenth street is about where Bellefontaine rc and Broadway divide?—A. I couldn't answer that question.

Q. Tell me now if you find in the directory the name of Jar Hobbs, address 4036 Broadway?—A. Charles Hobbs, 4034 Broadw

Q. 4034 Broadway?—A. Yes, sir.

Q. Now, will you please look at special registration list for prec 85, and tell me whether he is registered from there?—A. 4036 Br way.

Q. Which is the next door to 4034 Broadway, is it not?—A should be.

Q. And in the same voting precinct?—A. Yes, sir.

Q. Do you find thereon the name of William Hood, from num 3918 Broadway?

Mr. DONOVAN. I object to that question, for the reason that the co sel for the contestant has persistently insisted that that ought to Wood.

Mr. POLLARD. I say that there is no ground for the gentleman's o jection, inasmuch as he has proven, or attempted to prove by a witne

whom he had on the stand, that no man by the name of William Hood resided at 3918 Broadway, or anywhere in that neighborhood.

Mr. DONOVAN. The counsel for the contestant has persistently insisted that his name ought to be spelled W-o-o-d.

A. William Hood, 3918 Broadway; I find him in the directory.

By Mr. POLLARD:

Q. Now, look in that same Directory and tell me if you find the name of Curtis Knappsteadt with the address No. 1111 North Thirteenth street?—A. Curtis Knappsteadt, 1111 North Thirteenth street.

Q. Look, please, in the same directory, and tell me if you find therein the name of Peter Davis, 1117 North Fifteenth street?—A. Peter Davis, 1117 North Fifteenth street.

Q. Please look now in the same directory, and see if you find the name therein of L. Ahe, with the address 1005 North Fifteenth street?

—A. Louis Ahe, 1005 North Fifteenth street.

10 Q. Look in the same directory, and tell me if you find therein the name of John Steften or John Stiffen; whether the third letter in the surname is dotted or not I am unable to say; address is 1006 North Seventeenth street?

Mr. DONOVAN. I object to that, for the reason that in this alphabetical case the counsel for the contestant has insisted that that name ought to be John Sliften.

WITNESS. I find no John Steften.

By Mr. POLLARD:

Q. Now, look for John Stiffen?—A. John Stiffen.

Q. His address?—A. 1006 North Seventeenth street.

Q. Now, I wish you would look at special registration list of precinct 119, and tell me whether this same man's name is there spelt Stiffen or Steften?—A. Steften.

Q. I will ask you whether the third letter in that name is made like the sixth letter; in other words, whether the letter which you call an e is made like the second e in the name?—A. It is not.

Q. And, except for the want of a dot over it, it is an admirable i, is it not?—A. Yes, sir.

Q. Whereas the second e in the name is made with two semicircles?

—A. Yes, sir; it is very plain.

Q. Look, please, in the city directory, and tell me whether you find therein the name of Louis Zoellner, with the the address 1123 North Sixteenth street?—A. Yes, sir.

Mr. DONOVAN. I object to that question, for the reason that no inquiries were made for this man on North Sixteenth street, but on North Fifteenth street.

By Mr. POLLARD:

Q. What is his address there?—A. 1123 North Sixteenth street.

Q. Please look now in the same directory and tell me if you find the name of Peter Fleher, with the address 1520 North Fifteenth street.

Mr. DONOVAN. I object to the question, for the reason that the gentleman's name was not furnished as testified to, nor was the number the same. If the gentleman lived anywhere in the vicinity the counsel for the contestee will not take advantage of the typographical errors which make up the contestant's case.

WITNESS. Peter Fleher, 1520 North Fifteenth street.

11 By Mr. POLLARD:

Q. Now, will you please turn to the special registration made

at precinct 133 and tell me whether there is any force in that man's objection, whether Peter Fleher did not register from that particular number?

Mr. DONOVAN. The counsel's objection is to the effect Peter Fleher, of the number here now inquired about, was never by any witness; but it was Peter Flecher who registered North Fifteenth street?

WITNESS. Peter Fleher, 1520 North Fifteenth street.

By Mr. POLLARD:

Q. Will you please turn to the special registration list have in your hand, 133, and tell me if you find enrolled the name of Peter Flecher with the address 1820 North Fifteenth street?

A. No, sir; no such name here.

By Mr. DONOVAN:

Q. Is not the 1520 opposite that name blurred?—A. Some.

Q. But this number now appears to be a five, instead of a four?

A. Yes, sir.

By Mr. POLLARD:

Q. Now, if you will turn to the city directory once more, tell me if you find therein the name of Charles Edward Pistor with address 1515 Cass avenue?

Mr. DONOVAN. I object to that question, for the reason that the name inquired about and spoken of by the witness here was Charles Edward Putor; in the testimony of Mr. Walsh it was Putor on the books.

WITNESS. Charles Edward Pistor, 1513 Cass avenue, rear.

Q. Now, that is not the number that you were asked about, 1515 Cass avenue, Mr. Gonter.—A. This is 1513.

By Mr. POLLARD:

Q. I will ask you, Mr. Gonter, whether or not 1513 is not the number at 1515 Cass avenue?—A. It ought to be.

Q. And in the same precinct?—A. Yes, sir.

Q. Now, I will ask you to turn to the special registration list, precinct 133 and tell me whether or not you find the name of Charles Edward Putor thereon?—A. I believe that on your list it gave that name as Pistor; it still looks so to me.

Q. Now, tell me whether there is any name on the special registration list the name of Charles Edward Pistor?

No, sir.

By Mr. DONOVAN:

Q. Do you find any man of that name at 1513 Cass avenue?

WITNESS. As what?

Q. Charles Edward Putor, or Pistor.—A. No, sir; it is not on the list.

By Mr. POLLARD:

Q. Tell me, if you please, from the city directory whether you find therein the name of Henry Ruhe, with the address 1606 North Seventeenth street?

Mr. DONOVAN. I object to that question, for the reason that the testimony shows that the gentleman was inquired for at 1106 North Seventeenth street.

WITNESS. Yes, sir; Henry Ruhe, 1606 North Seventeenth

By Mr. POLLARD:

Q. Will you please turn to the special registration list of precinct No. 141 and tell me how many Henry Ruhes there are on it?—A. I find one Henry Ruhe, 1606 North Seventeenth street.

Q. Do you find any more than one?—A. No, sir.

Q. Do you find any from 1106 North Seventeenth street?—A. No, sir.

Q. Please turn to the city directory again, and tell me if you find the name of Fred. F. Von Behren, with the address of 1612 Saint Louis avenue?

Mr. DONOVAN. I object to that question, for the reason that the gentleman, in cross-examination, insisted that this man should have been christened Louis.

Mr. POLLARD. Verily, this is news indeed to the counsel for the contestant; if he did it, it was while he was asleep.

WITNESS. There are two Frederick Von Behrens here; one resides 1421 Biddle, and the other one at 1612 Saint Louis avenue. Louis is at 1610 Saint Louis avenue.

Q. Turn to that same directory, please, and tell me if you find the name of David Groash?

Mr. DONOVAN. I object to that, for the reason that that name has not been mentioned at any time during this investigation by anybody.

WITNESS. David F. Grosh, 1918 North Sixteenth street.

By Mr. POLLARD:

13 Q. Will you look at that again?—A. That is the only one I can find. Groash, David F., 1918 North Sixteenth street; evidently the same man.

Q. Will you turn to the registration book for precinct 141 and tell me who is registered against that same number, 1918 North Sixteenth street?—A. It is R. R. Groash, 1918 North Sixteenth street.

Q. Do you find thereon the name of D. T. Lusk?—A. Well, there is a name here that looks something like it; I wouldn't like to say what it was.

Q. What is the address?—A. 1918 North Sixteenth street.

Q. Is that not in German D. Z., or David, or D. F. Groash?—A. I couldn't answer.

Q. Now, will you turn to the city directory again and tell me if you find therein the name of Hayhurst?

Mr. DONOVAN. I object to that question, for the reason that the name of Hayhurst has not been mentioned during this investigation, and the object of making an inquiry about him is inexplicable to me.

Mr. POLLARD. The gentleman's memory is rather short-lived, but we will try to convince him of his memory's shortness.

Q. The address I desire you to find there is 1538 North Seventeenth street.—A. Thomas Hayhurst, 1538 North Seventeenth street.

Q. Turn to the same directory and tell me if you find therein the name of Josiah Wilson?—A. Josiah Wilson, south side of North Market, near West Twentieth.

Q. Look, now, in the same directory for the name of Ernst Schlomann.

Mr. DONOVAN. I object to that, because no inquiry was made for any such man on our part; the name that was mentioned in our examination was Echlomann.

A. Schlomann, Ernst, 1938 Benton.

Mr. DONOVAN. I object, for the further reason that no such residence or any man of the name of Schlomann or Echlomann was adverted to in this record as from that number.

By Mr. POLLARD:

Q. Tell me, Mr. Gonter, how far 1936 Benton street is from Benton street?—A. It should be next door.

Q. And in the same voting precinct?—A. Yes, sir.

Q. Now, will you please turn to special registration district 151 and tell me whether Mr. Ernst Schlomann has entered there?—A. Yes, sir; from 1936 Benton street.

Q. Which is where you find him in the Directory?—A. No, sir him at 1938 in the Directory.

Q. That is one door from 1936?—A. Yes, sir.

Q. Now, look at that same registration list, and tell me if you find name of Echlomann or Echlemann registered from 1936 Benton, any other building in that voting precinct?—A. Schlomann.

Q. You find no Eschlomann?—A. No, sir.

Q. Tell me whether 1817 North Market street is in the same precinct, and how far is it from 1819 North Market?—A. I can answer.

Q. It should be next door?—A. Yes, sir; it should be next door.

Q. And in the same voting precinct?—A. And in the same precinct.

Q. Now, will you please turn to the same City Directory, and whether you find the name of Joseph Britt, 1907 University street?—A. Joseph Britt, 1907 University street.

Q. In the same directory tell me if you find the name of F. man, corner of Seventeenth and Davis streets?—A. Joseph man—

COUNSEL. No, sir: Joseph F. Hackman.

A. There is a Frank Hackman.

Q. That is not the one I want.—A. Then there is a Hack Frederick Hackmann, east side of Seventeenth street, near Davis.

Q. Turn to the same Directory, and tell me if you find the name of Justus Pfeiffer?—A. Justus Pfeiffer, 3509 North Eighteenth street.

Q. Turn to the same Directory, and tell whether you find the name of Wibbing, corner of Davis and Eighteenth street?—A. J. Wibbing; west side of East Eighteenth street, near Hebert; where he works; resides west side of East Eighteenth street Davis.

Q. When you said that he was near Hebert, what did you mean that?—A. I mean that is where he works.

Q. Turn to the same Directory, and tell me if you find the name of Christ. Hanebrink, or Hanebrinck?

Mr. DONOVAN. I object to that for the reason that in this alphabetical and typographical case they are persistently insisting that that name should be Haubrinck; but whether it is Hannebrinck or brink, if the name is misspelt the contestee does not wish to diminish of his vote, for the reason that the law plainly says that graphical and clerical errors are to be ignored, and if the faithfully followed in this case and the typographical and clerical errors presented by the counsel for the contestant are ignored will be absolutely nothing left of this case.

Mr. POLLARD. On the part of the contestant's counsel we have that the gentleman's oft repeated protestations recall vividly in mind Byron's Julia, in his Don Juan, who, swearing she would consent, consented. He protests that there are nothing but typographical errors in this case, when he has filled it full of nothing else.

Mr. DONOVAN. I have but presented a few of those errors, will

simply to show to the committee that these errors will creep into the poll books both as against Republicans and as against Democrats; he, the contestant, wishes to take advantages of typographical errors, and I wish to ignore them; that is the difference between us on this question; I don't intend that a single man shall be denied the privilege of his vote by reason of any typographical error or clerical error that I may present.

Mr. POLLARD. Like Julia again, he introduced first a copy of a copy made by some employé of his; after being to some extent made ashamed of that, he then introduces a copy, and went thoroughly and fully over it; but finding out that possibly when the original itself was within his reach that his typographical errors made by these duplicate copies of copies would be looked at with some degree of care and suspicion, he then, at last, brings the original registration list; and, now, when he finds from the original list that his copy of a copy of a copy of a list were full of clerical errors, he seeks now to rid himself thereof, and wash his hands of what he did by bringing in those various copies.

Mr. DONOVAN. Mr. Pollard, in his own person, solves the problem of perpetual motion; if the gentleman has unwound himself to such an extent that he can rest easy, while the witness answers the question I shall be very glad for the answer.

WITNESS. August Hanebrinck, rear of 1413.

By Mr. POLLARD:

Q. Tell me whether that number is not between Fourteenth and Fifteenth streets?—A. It should be.

Q. From the same Directory tell me if you find the name of John Joekell?

16 Mr. DONOVAN. I object to that question for the reason that no such was asked for in this investigation; and for the further reason that no man of that name appears upon the special registration sheet; but it plainly appears as Joskell.

Mr. POLLARD. The gentleman, again, out of the fullness of his case, must constantly be saying that he relies exclusively on typographical and clerical errors.

Mr. DONOVAN. And I again ask the committee to ignore them; and if they do ignore them the case of the counsel for the contestant will be absolutely without a leg to stand on.

The WITNESS. I find John J. Joekel.

By Mr. POLLARD:

Q. His residence?—A. West side of Lindell avenue, near Lee avenue.

By Mr. DONOVAN:

Q. It is that way in the Directory?—A. Yes, sir.

By Mr. POLLARD:

Q. Tell me, if you please, is or is that not near Grand avenue and Lee?—A. I can't answer that.

Q. Now, will you please turn to special registration list of precinct 67, and tell me whether Joekel appears to be registered thereon; I want to know whether you find the name of Joekel registered in that special registration list?—A. I would call that Joskel; it looks very much like an s.

Q. But it has some resemblance to Joekel?—A. It is a very plain s, Mr. Pollard.

Q. I wish you would examine that name very critically; the name

seems to be very plain, Joekel.—A. It has no appearance of after the o at all.

Q. Is it not crowded together—the first e or s, as you c It is not crowded; I didn't say it was crowded.

Q. And if the man came to you and told you that this nan kel, and you were a judge of election, and he swore to you was his name, and that he had resided at that number, wo justified in refusing his vote?

17 Mr. DONOVAN. I will answer the question for the say that he would not be justified in refusing his vote not whether it is an s or an e, if that is the man, he shou mitted to vote; and the same justice that I mete out to you mete out to others; and so this Congressional committee wi cause, under the plain letter of the law, all clerical or typ errors are always to be ignored.

The WITNESS. I have no doubt this man wrote his own judge of election had no right to write his name; but whet Joskel or Joekel, he was entitled to vote, because his addres precinct. It is to be deplored, of course, that he doesn't writ as legibly as some others, but that should not exclude him f

By Mr. POLLARD:

Q. Now, you will please turn to the same city directory a if you find the name of Robert Hintz?—A. Robert Hintz; ad side Natural Bridge, near Grand avenue.

Q. Mr. Gonter, are not 2023 North Tenth street and 2223 N street, in the same voting precinct?—A. I couldn't say.

Q. Mr. Gonter, after we adjourn will you bring with you nance or a copy thereof which bounds the various precincts sir.

Q. You heard the statment just made by Mr. Wieseahn to the boundaries of the precincts?—A. I did; but I can't t that.

Q. Please turn to special registration book for precinct tell me if you find thereon the name of J. C. Boyd, as havin registered on the second day of last November, at the ele Well, there is a name here that might answer for Boyd, but itials.

Q. What does it appear to be?—A. It appears to me Boyd, and it might be J. W. Boyd.

Q. You say it appears as though it might be J. W.?—A. that.

Q. But there is no J. C. Boyd?—A. I shouldn't think it rep

Q. Please turn to special registration book of precinct? me whether there appears thereon as having specially reg election day last November, a man by the name of William or William Sonwell?—A. William Conwell.

Q. You find no Lonwell or Sonwell thereon, do you?—A.

Q. Tell me if you find on that same list the na Herrmann?—A. I have got it John Heumann.

18 Q. There is no Herrmann there?—A. No, sir.

Mr. DONOVAN. I object to that question, for the reason name has been inquired about as Hannemann, Heermann, a mann.

Mr. POLLARD. This is a specimen of the technicalities the contestee's whole case is based.

Mr. DONOVAN. Which the counsel for the contestee desires the committee to ignore; it is only introduced here to show how the contestant's case is made up.

By Mr. POLLARD :

Q. Turn, please, to registration list number 83, and tell me if you find thereon the name of Tolcaz Holpuatarz ?—A. I cannot make the name out.

Q. Does it not, instead of Holpuatarz, look like Tobias. Hollenreitz ?—A. It might be most anything.

Q. Tell me if you find on that same registration list the name of John A. Seebran ?—A. I have got it; John A. Saber.

Q. But you find no such name as Seebran ?—A. No, sir.

Q. Turn, please, to special registration list for precinct 119, and tell me if you find thereon as registered, the name of Louis Zoellman ?—A. I find Louis Zoellner.

Q. There is no such man as Zoellman there on that list ?—A. No, sir.

NOTE.—By consent of all parties, Mr. Gonter, the witness on the stand, is withdrawn for the present.

19 WALTER L. GRAYDON, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit :

By Mr. DONOVAN :

Question. Your full name, please ?—Answer. Walter L. Graydon.

Q. Mr. Graydon, do you know the letter carrier, J. B. Nichols ?—A. Yes, sir.

Q. How long have you known him ?—A. Three years.

Q. Does he deliver mail matter on the route that you live in ?—A. He delivers it about a mile below my house; that is generally as far as he delivers it.

Q. Have you been personally acquainted with him for three years ?—A. Yes, sir.

Q. Has he been at your house ?—A. Not that I know of.

Q. Where is your house ?—A. My house is on Bellefontaine avenue, about 200 yards west of the Bellefontaine road, between that and Florissant avenue, west side of Bellefontaine avenue.

Q. If he reported in this case that there was no such house there what would be your judgment on the matter ?

Mr. POLLARD. I object to that question, because it is calling for the judgment of the witness, when he has heretofore objected to my asking an official of the city in regard to his interpretation of the law.

By Mr. DONOVAN :

Q. What would be your judgment of such a man ?—A. That he lied.

Q. How long have you been living in that house ?—A. Fifteen years.

Q. Is that house near to the Bellefontaine cemetery ?—A. It is just in the extreme edge of the Bellefontaine cemetery—the north edge of it.

Q. How long has the house itself been there ?—A. Twenty-seven or twenty-eight years.

Q. Do you know why he reported that he could not find you there, or there was no such house ?

Mr. POLLARD. I object to that question, for the reason that there never was any such report made, and the counsel ought to know it, if he does not.

Mr. DONOVAN. The record plainly states that as the report of
20 this efficient postal agent.

Mr. POLLARD. There is no record of that kind except what the counsel for the contestee himself keeps.

By Mr. DONOVAN :

Q. The witness will please answer the question.—A. I don't know I heard why it was.

Mr. POLLARD. I object to any hearsay testimony in this case ; it is simply ridiculous to tell such a witness to state if he knew what prompted some other man to do any certain thing, but when it comes to asking the witness what he heard in regard to the motive of such man, it seems to the contestant a little far-fetched.

The WITNESS. He said it was a joke on his part.

By Mr. DONOVAN :

Q. What official relation do you hold to the cemetery ?—A. I am superintendent of interments there.

Q. Are you or are you not one of the best known men in that vicinity for miles around your own place ?

Mr. POLLARD. I object to that for the reason that it is wholly immaterial and irrelevant.

A. I believe I am the best known man there.

By Mr. DONOVAN :

Q. Were you not a member of one of the Congressional committee in this city ?—A. I was.

Q. What committee were you a member of ?—A. Third district Congressional Democratic committee.

Q. Do you believe that he reported purposely that he could not find you, or that there was no such house as that in that neighborhood, which you had lived for fifteen years ?

Mr. POLLARD. I object to the question for the reason that there has not been any such report made, and for the second reason that it makes no difference what this man believes about it ; if he has any personal grievance against this man, this record is not the place to air it in.

A. I will state to the lawyer that Mr. Nichols is a personal friend of mine ; I have not the slightest grievance against him at all.

By Mr. DONOVAN :

21 Q. And he knew where you resided ?—A. Well, I can't say that he does ; we are lodge brothers together ; he may not have known just where my house was situated, but no one passing up that way—up Bellefontaine avenue, could fail to see it ; it towers over the ground a little ; there is a path running right up to the house from Bellefontaine avenue ; there is a gate right there ; I don't see how any one could fail to see it.

Q. Well, he also reported that he could not find John Owens ; could he not live up there ?

Mr. POLLARD. I object to that question because it contains a statement which is not true in fact ; because no such report was made by this letter carrier.

WITNESS. Well, I know that Mr. John Owens has lived there for great many years ; ten years to my personal knowledge, right there on College avenue.

By Mr. DONOVAN :

Q. Do you know why he reported that he could not find Mr. Owens ?

Mr. POLLARD. I again object to that because the letter carrier made no such report.

WITNESS. I don't know.

By Mr. DONOXAN:

Q. Was that also a joke according to his opinion?

Mr. POLLARD. I object to the question, because there has been no such report made; because the gentleman has been growling all morning; because we have consumed some time in pursuit of legitimate testimony now, he is injecting into this record the most trivial absurdities that can be conjured up by any brain but a city-bred lawyer.

WITNESS. I don't know that it was; I don't know.

By Mr. DONOVAN:

Q. How long did you say John Owens had lived there?—A. Ten years to my knowledge.

Q. And you don't know how much longer?—A. I don't know how much longer; I believe he was born there; but that is a mere impression. I took the number on a memorandum, and mixed it up with my other memorandums. That is, however, the only understanding that I had.

22 Cross-examination by Mr. POLLARD:

Q. Where does this man John Owens live?—A. On College avenue, on the north side of it.

Q. Well, near what other street?—A. I don't know the street; I know every house on it, but I don't know what they are called as to numbers.

Q. Does he live on Fourteenth and College or Fifteenth and College?

—A. Well, he is well known there; his house is better known there than the streets on which it stands.

Q. Do you know whether he lives on the corner?—A. I don't think he lives on the corner; I don't know just where the streets come in there; I can't say whether it is Fourteenth or Sixteenth street.

Signature waived.

Recess until 1.15 p. m.

AFTER RECESS—1.15 p. m.

Cross-examination of CHARLES G. GONTER, resumed.

By Mr. POLLARD:

Question. Will you please turn to special registration sheet for precinct 133, and state whether you find on that list the name of William Quemlein?—Answer. William Quenheim.

Q. William Quernheim?—A. Yes, sir.

Q. Is there any man registered by the name of William Quemlein?—A. No, sir; no such name.

Q. Will you please turn to special registration list for precinct 141; I will have to change that; I see you have gone over that name that I wanted to ask you about before we adjourned, or before Mr. Donovan withdrew you. I will not go over it again. I will therefore ask you to turn to special registration book for precinct 143, inasmuch as I did not ask you on that book; I did ask you concerning the names on precinct 141. Please tell me whether you find thereon the name of August Rohlfing?—A. Yes, sir.

Q. What is his address?—A. 1426 Monroe street.

23 Q. Is there any other August Rohlfing, with the address 1415 Madison street?—A. No, sir; not on this list.

Q. Now, will you please turn to precinct 145?—A. I have got it.

Q. Do you find thereon the name of H. W. Wobbe with address 1519 Warren street?

Mr. DONOVAN. I object to that question, because no inquiry was made in regard to H. W. Wobbe, 1519 Warren street.

Mr. POLLARD. The gentleman is evidently mistaken; his inquiry which he ascertained by means of canvassers was for H. W. Wobbe, and he proved by those canvassers that such a man did not reside at 1519 Warren street.

The WITNESS. There is no such name as H. W. Wobbe here.

By Mr. POLLARD:

Q. Nor is that the address against any man's name, 1519 Warren street?—A. No, sir.

By Mr. DONOVAN:

Q. What is the address there?—A. 1514 Warren street.

Q. And what is the name?—A. H. H. Wobbe.

By Mr. POLLARD:

Q. Please turn now to special registration sheet for precinct 14, and tell me if you find thereon the name of Trollman, with the address 1727 Sullivan avenue?—A. It has the appearance of Trollman, but I wouldn't like to swear that that is the name.

Q. Is it not Twellman?—A. No, sir; that vote was refused by the judge of election.

Q. You say that man was not permitted to vote?—A. I should judge not from the note opposite his name.

Q. What is that note opposite his name?—A. "Refused."

Q. Will you please turn now to special registration No. 153, and tell me whether you find thereon the name of Joseph Bright as having registered from 1907 University street?

Mr. DONOVAN. I object to the question, for the reason that the counsel very well knows that the inquiry was in respect to Joseph Britt from 1907 University street, special registration No. 221, and he has asked about it several times this morning; and I further object to his jumping around here from one precinct to another, instead of following down my list of names, his object being plainly to give the impression that he is investigating all of the names when he is simply picking out a few of them.

Mr. POLLARD. I simply say that the counsel is very much scared. We have not asked anything about Bright to-day. He proved by his canvasser that no man by the name of Joseph Bright could be found by him at 1907 University street. I now desire to show that no man by the name of Joseph Bright registered from there. Again, I am taking these precincts in the order that they were testified to by this witness, who is now on the stand, whether it is the order in which the gentleman has arranged his documents, books, and papers or not I am unable to say. If he wants to prove by the witness his system and method of keeping his books I certainly shall not object.

Mr. DONOVAN. There can be but one order both for Mr. Walsh and for Mr. Gonter, for I used both the copy and the original sheet in examining both witnesses, asking them in regard to the names in their order, while the counsel for the contestant has been jumping around from one precinct to another and asking two or three times about the same name.

Mr. POLLARD. The counsel for the contestee may have taken the names which are on his copy of a copy of the original list from the

ious pages in the order in which they come thereon, but he certainly tipped around," as he classically expresses it, for on his list there are less than seven or eight hundred names, and he asked out of that in the various pages concerning some forty or fifty individuals.

THE WITNESS. No such man as Joseph Bright registered from 1907 university. It is Joseph Britt.

Q. Is there on that list the name of George W. Donner?

MR. DONOVAN. I object to that question, for the reason that the name inquired for was George W. Dauner, and whether he has got an an in his name, that is to be found out; but no matter which it is if the gentleman lives in that neighborhood, and was otherwise qualified to vote, he should be entitled to vote, and the typographical and clerical errors should be positively ignored.

A. No, sir; no such name.

By MR. POLLARD:

Q. Do you find thereon the name of Charles or Chs. Tuerquens?—A. Charles Tuergens.

Q. And no one by the name of Tuerquens?—A. No, sir.

Q. You find thereon three crosses against a name which has been written by some one as Haim, do you not?—A. I find three crosses there; yes, sir.

Q. Who wrote that name Haim after those crosses?—A. I can't say.

Q. The crosses evidently were made by the voter, were they not?—I should judge so.

Q. And some one was by who wrote the name?—A. Yes, sir.

Q. Whether that party wrote it correctly or not, you don't know?—No, sir.

Q. Will you please tell me, by reference to special registration list, if you find thereon the name of Justus Pfeiffer as having registered on No. 3509 Davis street?—A. Yes, sir; I find it here 3509 Eighteenth street, Davis street, Justus Pfeiffer.

Q. Would 3509 Davis street be in that precinct?—A. That I can't say; it means the corner of Eighteenth and Davis.

Q. What does it mean; 3509 Eighteenth street?—A. No, sir; it means Eighteenth and Davis.

Q. There is no such number as 3509 Davis street?—A. I do not know.

Q. Does Davis street run that far up, or are you familiar with the numbers?—A. No, sir; I am not familiar with that number.

Q. But there is such a number as 3509 North Eighteenth street?—That I couldn't say.

Q. On that same list will you tell me if a man by the name of Joseph Er was registered from 3207 North Seventeenth street?

MR. DONOVAN. I object to that, for the reason that I distinctly proved the fact myself by Mr. Walsh and Mr. Gonter, and the object of asking the question for the third time when it has already been twice in record is something inexplicable to me, unless it is a further waste of my time.

MR. POLLARD. For the purpose of enlightening the gentleman I will inform him that there was but one Joseph Anzer registered on that list, and that he did not read that number, or at least the witness did not go to that number as it stands on the record to ascertain if he lived there.

THE WITNESS. There is a man by the name of Joseph Anzer registered 204 North Seventeenth street.

Q. There is none by that name registered from 3207 North Seventh Street, is there?—A. No, sir.

Q. Will you please turn to special registration sheet for precinct 16 and tell me if you find thereon the name of William Nichols, address Benton and Thompson streets?

Mr. DONOVAN. I object to that question, for the reason that it has been two or three times proven that William Nichols registered from the corner of Benson and Thompson avenues.

Mr. POLLARD. We admit such has been the proof; but the gentleman in his statement to the witness whom he had on the stand, whom he employed as a canvasser in this district, stated in the record (and the record supports my present statement that he did so state), that this man William Bensen went to the polls—

Mr. DONOVAN. I object to the gentleman's stating anything in regard to William Bensen; the name of William Nichols from Benson and Thompson avenue is now under consideration.

Mr. POLLARD. The gentleman is not at all technical; he doesn't believe in typographical or clerical errors or *lapsus lingua*. I will conclude my observations that he did state to that witness that William Nichols went to the polls on election day, registered himself there and there, and voted, giving his number—his residence as the corner of Benton and Thompson avenues. I desire to ascertain from this witness whether or not there was any man by that name registered who so registered himself from the locality I have named?

The WITNESS. William Nichols is registered from the corner Benson street and Thompson avenue.

Q. And there is no William Nichols from the corner of Benton and Thompson?—A. No, sir.

Q. Will you please turn to special registration book for precinct 27

Have you the special registration book for precinct 37 here?—A. I have.

Q. At your hand?—A. Yes, sir.

Q. Will you please turn to that book?

Mr. DONOVAN. Now, I object for the reason that I subpoenaed the witness, and designated the books that he should bring to this place; now it appears that, at the request of the contestant's counsel and without a subpoena, he brings other books not necessary to the contestee's case and endeavors to build up and bolster the contestant's case in the case of the contestee. It is a woful waste of my time, and the contestant has ten days further in which to examine him regarding those books; therefore, I must insist upon my objection.

Mr. POLLARD. The objection comes with a very ill-grace from the gentleman who took, when we had this identical witness on the stand eight or nine hours of our time in which to examine him concerning names about which we were not interested, but to make his own case for himself, and which was in no manner proper cross-examination. Again, he took the witness Walsh, whom we put on the stand but a very few moments, at the very outmost an hour, or an hour and a half—he took him in cross-examination for seven or eight hours and asked him about matters concerning which we had not asked him, and proved his case in chief by him again; he did that, when we had use for every day—every hour of our time—in trying to ferret out the frauds perpetrated in this matter by reason of which this contestant was counted out and the contestee was counted in; whereas the contestee did not commence the examination of the witnesses on his side of the case until about twenty days or nearly twenty-one days' time had elapsed.

Mr. DONOVAN. I must insist upon my objection for the reason that it is making use of my time to prove their case, and the books are not here under any subpoena, if they are here at all; the gentleman well knows that my time will be exhausted in a day or two, and that I have still a cloud of witnesses waiting to be examined.

Mr. POLLARD. I well know that the gentleman's time will be terminated, as he says, in a day or two. His cloud of witnesses, if he has them, is more than he has had during this examination. We don't propose to make any testimony except that which is strictly and properly within the meaning of the term "cross-examination." I can only ask Mr. Gonter these questions if he produces and makes use of the book which are now before him. I again ask that he produce and consult special registration book for precinct 37.

28 Mr. DONOVAN. I object for the further reason that I never asked the witness one single question regarding book 37, and therefore, it is improper to cross-examine this witness thereon. It is manifestly an examination-in-chief on the part of the contestant, and made for his own benefit. He is very illiberal in endeavoring to elicit this evidence just now when he has ten days in which to examine the witness regarding book 37, or any other book that he sees fit to bring here.

The WITNESS. If the counsel who called me objects I shall decline to produce such book or testify concerning the same.

Mr. DONOVAN. You will afford the contestant every facility, as you have done heretofore, when it comes to his turn in the case to make his examination of your records.

A. Yes, sir.

By Mr. POLLARD :

Q. Tell me if you find on that registration book, which you now hold in your hand, the name of R. M. Lowry ?

Mr. DONOVAN. I object to the witness giving any testimony regarding book 37, on cross-examination, for the reason that he has not been examined with regard to that book in chief by me, and the book is not here under subpoena, but through the kindness of this witness, and at the request of the contestant's counsel it has been brought here, and I further insist upon my objection because this course of proceeding is an unfair waste of my time, and I am astonished that so fair-minded a lawyer as Mr. Pollard should have desired to rob me of the few hours I have still left on my side of the case.

The WITNESS. I shall decline to answer any question connected with this book.

By Mr. POLLARD :

Q. You hold the book in your hand ?—A. Yes, sir ; I shall decline to answer any question concerning this book unless I am compelled so to do.

Q. And the names on that book are quite legible ?—A. I wish to state, further, that I decline to answer these questions from the fact that I brought these books here without subpoena ; I was not subpoenaed to bring this book, and I therefore decline to answer any question that may attach to that book, unless the counsel in the case on both sides are willing.

Q. I will ask you again, Mr. Gonter, whether or not you testified 29 for the contestant in this case ?—A. Yes, sir.

Q. I will ask you, sir, whether or not there, at the instance of the counsel for the contestee, you did not testify from a large number

of books which the counsel for the contestant did not cause you subpœnæd for?—A. I think that the subpœna read to produce books and papers—all the special registration of the Third Congressional district.

Q. Have you that subpœna?—A. Not here; I think I have it office; I am not positive though.

Q. That is your recollection about it?—A. That is my recollection and therefore they were all produced as far as could be; several copies never were returned to me, and, of course, were not in the packet brought.

Q. Well, now, I repeat the question that you will look at that registration list for precinct 37 and tell me whether you find there name of R. M. Lowery?

Mr. DONOVAN. I object to the question for the reasons stated protest against the witness giving any answer to it.

A. I decline to answer unless it is satisfactory to counsel on both sides.

By Mr. POLLARD.

Q. Will you please see, on the same list, if you can find the name of Thomas Dolen?

Mr. DONOVAN. I object to that question for the same reasons as hereinbefore.

A. I make the same answer.

By Mr. POLLARD:

Q. Will you see, if you find thereon, on special registration precinct 37, and which book you now hold in your hand, the name of William Leuwe?

Mr. DONOVAN. I object to that question for the same reasons as before stated.

The WITNESS. I decline to answer for the reasons already stated which the notary has taken down.

Mr. POLLARD. I now ask the notary public to request the witness to answer the question which I have propounded to him.

Mr. DONOVAN. The notary public may do as he please about it, but I shall insist upon my objection for the reasons as stated before.

The notary declines, for the reasons stated by the counsel for the contestee, to compel the witness to answer the question.

Mr. POLLARD. Inasmuch as the witness refuses to answer the question propounded to him heretofore, I will ask him this question: Whether he finds on special registration for precinct 83 the name of Frank Scherer?

Mr. DONOVAN. There is no objection to that question, for the reason that that book has been brought here properly under a subpœna and I have interrogated regarding it.

The WITNESS. Yes, sir; I have it here.

By Mr. POLLARD:

Q. What is his residence?—A. 3238 North Tenth street.

Q. Will you please turn to special registration book of precinct 83—A. That is the one I have here.

Q. Will you tell me if you find thereon the name of Randall

—A. Yes, sir.

Q. His address?—A. 822 Buchanan street.

Q. What is his voting number, and what is his registration number?
—A. His registration number is 178; he has no ballot number.

Q. Will you please now turn to special registration book for precinct 85, and tell me if you find thereon the name of H. Bentledge?—A. No, sir; I can find no such name.

Q. Do you find the name at all?—A. I can't make the first name out.

Q. What does the first name seem to be; Handy?—A. It may be Handy.

Q. What is the address?—A. I can't make it out.

Q. Is it the north side of Angelica street?—A. No, sir; not the north side of Angelica street.

Q. Is it Angelica street?—A. No, sir; it don't seem to me to be that; it doesn't spell that; the nearest I can come to it is something like Norelgaleyty.

Q. Is it in German?—A. I don't know; I would hardly call
31 that German; it is in English letters; I should never make Angelica out of it; there is no ballot number, and no registration number.

Q. See if you find on the same book the name of David Price?—A. Yes, sir; I see it; it is David R. Price.

Q. Address?—A. 4003 Broadway.

Q. Have you got the number of his special registration, or the number of his ballot?—A. No, sir; neither registration nor voting number.

Q. Will you please turn to special registration book of precinct 151, and tell me whether you find thereon the name of John Dolan?—A. Yes, sir.

Q. What address?—A. West Nineteenth and Twentieth.

Q. Is there a ballot and registration number, please?—A. Registration number, 41; no ballot number.

Q. See if you find on the same book the name of Philip Ryan?—A. Philip Ryan.

Q. Residence?—A. 1604, between West Sixteenth and Seventeenth, Exchange.

Q. Ballot number, please, and registration number?—A. No ballot number; 445 registration number.

Q. Please see if you find the name thereon of Patrick Dean?—A. Yes, sir.

Q. His residence?—A. 2511 North Market.

Q. Ballot number, please, and registration number?—A. No ballot number; 448 registration number.

Q. See if you find the name of J. Sharky?—A. Jake Sharky, 2511 North Market street.

Q. Registration number?—A. 460.

Q. Any ballot number?—A. No, sir.

Q. Now turn, please, to special registration book for precinct 153?—A. I have it in the room.

Q. Please tell me if you find thereon the name of William Smith as having specially registered on election day?

Mr. DONOVAN. I object to that question, for the reason that that does not in any manner grow out of any examination that I made of this witness; I never asked him anything in regard to William Smith or his registration; it is just of a piece with building up their case during my time, thereby depriving me of the opportunity of putting full
32 testimony in this cause.

Mr. POLLARD. Which you haven't got.

Mr. DONOVAN. The gentleman will have an opportunity of judging of that when I present it, and it is here now waiting to be offered at this very present moment.

A. I find the name of William Smith.

By Mr. POLLARD :

Q. And the address ?—A. Twentieth street, between Herbert and Sullivan avenue.

Q. Is there a registration number ?—A. 224.

Q. Voting number ?—A. And no voting number.

Q. Will you see if you find on the same registration list the name of James Murphy ?—A. James Murphy ; yes, sir ; 1907 Saint Louis avenue ; registration number, 231 ; no voting number.

Q. Please look in the same list for the name of Pierce Murphy ?—A. Yes, sir ; Pierce Murphy, 2118 Saint Louis avenue ; registration number, 237 ; no voting number.

Q. Please see if you can find the name of Thomas Murphy on the same registration list ?—A. Thomas Murphy, 2012 Dodier street ; registration number, 247 ; no voting number.

Q. Now, sir, if you will turn to special registration of precinct 1 and tell me if you find thereon the name of Daniel B. Dailey, I will be obliged to you ?—A. No, sir ; I can't find any such name.

Q. 1704 Salisbury ; he ought to be there in that list ?—A. No, sir ; he is not there ; no such name here.

Q. Will you please now turn to special registration of precinct 1 and tell me if you find thereon the name of Daniel B. Dailey ?—A. No,

Q. Do you find in that same list the name of Christ. Paffhausen ?—A. Yes, sir.

Q. Give his address, please ?—A. 3905 Kossuth avenue.

Q. Voting number and registration number ?—A. Voting number, 65 ; registration number, 380.

Q. Please look also on that same registration book for the name of Otto Grossgerge ?—A. I find something similar to that name.

Q. What is the address ? Is it not 1601 Farrar street ?—A. Yes, sir.

33 Q. Did he vote ?—A. Not marked "voted."

Q. That is the special registration on that day ?—A. Yes, sir ; the special registration number is 415.

Q. What is the ballot number ?—A. No ballot number ; as I said before, he did not vote.

Q. Now, I will ask you again, Mr. Gonter, to turn to special registration for precinct 72 ?—A. 72 ; here it is.

Q. And see if you find thereon the name of James F. Burke ?—A. Yes, sir ; I find it here.

Q. Give his address, please ?—A. 1910 North Eleventh street.

Q. His registration number ?—A. 3.

Q. Voting number ?—A. None.

Q. In the same book I will ask you to see if you can find the name of John Green, 911 Madison street ?—A. John Green, 911 Madison street ; registration number, 10 ; no voting number.

Q. Thomas Tierney, 2023 North Tenth street ?—A. He has got it transposed here ; it is Tierney Thomas ; 2023 Madison street ; registration number, 12 ; voting number, none.

Mr. DONOVAN. You may state how it appears on the book.

A. The given name comes last ; it may be Tierney Thomas.

By Mr. POLLARD :

Q. On the same special registration sheet look, please, for the name of Robert Cunningham, 2220 North Eleventh street?—A. Robert F. Cunningham, 2220 North Eleventh street.

Q. Registration number?—A. 27; no voting number.

Q. Now, turn to the special registration sheet for precinct No. 73, and tell me if you find thereon the name of Thomas Stewart, with address 921 North Market street?—A. Yes, sir; Thomas Stewart, 921 North Market street.

Q. His registration number?—A. 283; no voting number.

Q. Please see if you find on that same special registration list the name of Theodore Shelley, 2608 North Eleventh street?—A. Theodore Shelley, 2608 North Eleventh street; registration number, 284; no voting number.

Q. Look also for the name of George Nelson, 2520 North Ninth street?—A. George Nelson, 2520 North Ninth street; registration number, 307; no voting number.

Q. Look for the name of Michael O'Leary, 815 Benton street?—A. Michael O'Leary, 815 Benton street; registration number, 311; no voting number.

Q. Look, now, on that same sheet, for the name of Frank Gleeson, 823 Benton street?—A. Frank Gleeson, 823 Benton street; registration number, 293; no voting number.

Q. Please, now, turn to special registration number 74—for precinct 74, I should have said—A. There is a note attached to this, I believe.

Q. Attached to which?—A. No; I don't know whether it is either.

Q. Tell me if you find thereon the name of William Murdock, with the address 2515 North Twelfth street?—A. William Murdock, 2515 North Twelfth street; registration number, 410; no voting number.

Q. See if you find thereon the name of S. A. Russell, 1204 Chambers street?—A. S. A. Russell, sr.; is that it? 1204 Chambers street; 415 registration number; no voting number.

Q. Thomas A. Scott, 1120 North Market street; do you find that name on that same list?—A. I find Thomas H. Scott, 1120 North Market street; registration number, 424; no voting number.

Q. John N. Shields, 1116 Madison street; have you that name on that special registration sheet?—A. I have John A. Shields.

Q. Of what address?—A. 1116 Madison street; registration number, 428; no voting number.

Q. Look, please, for the name of C. N. C. Wilson, 1110 Monroe street?—A. I have here C. McC. Wilson; is that it? 1110 Monroe street; 434 registration number; no voting number.

Q. Now, please turn to special registration sheet for precinct 75, and see if you find thereon the name of James W. Green, 1113 Herbert street?—A. James W. Green, 1113 Herbert street; registration number, 337; no voting number.

Q. Nelson F. Lyon, 2721 North Twelfth street; see if you have such name on that list?—A. Nelson F. Lyon, 2721 North Twelfth street; registration number, 346; no voting number.

Q. Have you there the name of Joseph W. Thrasher, 2820 North Twelfth street?—A. Joseph W. Thrasher, 2820 North Twelfth street; registration number, 351; no voting number.

Q. Do you find on that special registration list the name of Bartholomew Coyle, 2706 North Ninth street?—A. 354 registration number; no voting number.

Q. Daniel McNuliff?—A. I have Daniel McAuliff, 2719 Broadway registration number is 360; no voting number.

Q. Look for Jerry McAuliff, same number?—A. Jerry McAuliff, 2719 Broadway; registration number, 364; no voting number.

By Mr. DONOVAN:

Q. Is it Jerry or Berry?—A. Yes, sir; Jerry.

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By Mr. POLLARD:

Q. Please look for James H. Morrison, same number.—A. It is not James; it is William H. Morrison.

Q. You do not find the name of James H. Morrison thereon, do you?—A. No, sir; no, sir.

Q. But do find the name of William H. Morrison, from 2719 Broadway?

Mr. DONOVAN. I object to further proceeding with this testimony, as it is a most unwholesome waste of time, and the plain object of it is simply to add more strength to this typographical case, as to whether a man's name commenced with a W. or a J.

Mr. POLLARD. I say that the object of this examination is not to consume the counsel's time; I say that the object is to cross-examine the witness, and the object of this cross-examination is simply to prove false which we consider material in this case to enable us to root out and bring to light the frauds perpetrated at the ballot-box at the last Presidential election in this Congressional district.

Mr. DONOVAN. This is his usual hour for breaking out with his speech which he has repeated, I presume, for about the thousandth time, which is wholly and totally without foundation, and he makes it simply for the purpose of adding to the record and consuming time, because he knows I have other and important witnesses at hand, waiting to be examined.

Mr. POLLARD. I am aware of and only know it now from the assertions of the gentleman that I am habitually breaking out periodically and when the gentleman is done with his foolish objections we will endeavor to proceed, for I am quite anxious to get through as rapidly as possible.

Mr. DONOVAN. Then, for heaven's sake, proceed.

Mr. POLLARD. I have now forgotten the question which I asked the witness, and I will have to ask Mr. Kraft to read it.

(Question read as follows: But do find the name of William H. Morrison, from 2719 Broadway?)

A. That is my answer.

Q. Please give us the registration number of William H. Morrison?—A. 363; no voting number.

36 Q. Will you see now if you find the name of Daniel Kelliha on that list, from 2905 Broadway?—A. I don't find any such name; it may be so meant for Kellihan, but it don't so appear here.

Q. How does it appear on that book?—A. I can't decipher it in any shape or form.

Q. See if you find thereon the name of Peter L. Green as having specially registered from 1103 Montgomery?—A. Yes, sir; registration number, 374.

Q. Do you find the name of James W. Leahey?—A. Yes, sir.

Q. Address?—A. 2815 Broadway; 376 registration number; no voting number.

Q. Peter Dillon, 2706 North Ninth street?—A. Peter Dillon, 2706 North Ninth street; registration number, 393; no voting number.

Q. David Curry, 1115 Saint Louis avenue?—

Mr. DONOVAN. I object to any inquiry about David Curry, for his name has been mentioned this morning three times; once by the canvasser, once by Mr. Walsh, and once by Mr. Gonter, and I see no necessity for going over and over again, over the same name, and eliciting the same testimony, unless it be to make this waste of time as prodigious as possible; the name is in the record just as it appears upon the special registration sheet three separate times.

Mr. POLLARD. Before the first word of objection was fairly out of the mouth of the counsel for the contestee, I withdrew the question, it having been suggested to me that we had already asked that question, and having no desire to occupy the valuable time of the contestee, I withdrew it; but notwithstanding that fact he had to put his little speech into the record, in order to waste his own time, I suppose, or to hear himself talk.

Q. Will you please turn to special registration for precinct 83 and tell me if you find thereon the name of David J. O'Brien, 910 Buchanan street?

Mr. DONOVAN. I must again object to this manner of examining, as it is clearly done for the purpose of wasting our time; and I also object because Mr. Gonter has turned to that same book for the gentleman now at least six times, since he has been sitting here.

Mr. POLLARD. We desired to vary the programme and have him turned into pastures new and green; but at the instance and earnest solicitation of the counsel, coupled with the absolute and peremptory refusal of the witness we were compelled to again turn to the books which we had heretofore gone over.

Mr. DONOVAN. A half dozen times.

A. David J. O'Brien; 910 Buchanan street; registration number, 181; no ballot number.

By Mr. POLLARD:

Q. Do you find thereon the name of Thomas Keating?—A. Thomas Keating; 3201 Broadway; registration number, 197; no voting number.

Q. Please see if you find on that same sheet the name of John Luke Dudley?—A. John Luke Dudley; 3229 Broadway; registration number, 204; no voting number.

Q. Peter O'Brien; do you find that name?—A. Peter O'Brien; 3322 Broadway; registration number, 218; no voting number.

Q. Will you please turn to the special registration sheet for precinct 84?—A. I haven't got it.

Q. Please turn to special registration sheet for precinct 85?—A. I have it.

Q. See if you find thereon the name of Michael Connor?—A. Michael Connor; 3709 Broadway; no registration number and no ballot number.

Q. Look, please, for Franklin Clement?—A. Franklin Clement; 3716 North Ninth street.

Mr. DONOVAN. Now, I must again object to the counsel for the contestant putting in evidence to bolster up his case within my time; for he knows that Franklin Clement is one of the best known, and one of the oldest citizens of Saint Louis and what object he can have in asking any questions regarding that name is again a mystery to me.

Mr. POLLARD. If the counsel for the contestee desires to know the method and manner of conducting the case on this side, we will be

pleased to give him our system; but inasmuch as we are anxious to get through with this witness, we don't now desire to consume the gentleman's time; but I assure him upon my word that any time after we adjourn to-night I will take the requisite time and tell him why we ask these questions; but, of course, if he insists upon it we will do it now.

Mr. DONOVAN. The gentleman cannot teach me anything regarding this contested election case; I think after two or three months' practice I ought to be posted; I know his ways well; but I say that this last speech of his is no answer to my objection; and I appeal to the committee that this course of procedure on the part of the contestant is not a fair one, inasmuch as I have but a day or two left in which to close up my case, to examine witnesses who were not until now within my reach; whereas the contestant has ten days more in which to elicit all this information, if he really desired to gain any information from this witness; it is simply an effort on his part to keep this witness on the stand, and keep other and important witnesses from appearing.

Mr. POLLARD. I am willing to concede that the gentleman can't teach me anything; as far as the other matters referred to, they are old and have been so repeatedly answered that I will not take the gentleman's valuable time now to go over it again.

Q. What is his registration number?—A. He has got neither registration number nor voting number.

Q. See if you find thereon the name of Joseph Ryan, specially registered from 3929 Broadway, in the same district?—A. Joseph Ryan, 3929 Broadway; there is no number of any kind.

Q. Please look for the name of Hugh M. Watson, 3730 North Teaneck street?—Hugh M. Watson; no registration number nor voting number attached.

Q. Please turn to precinct book 118, and tell me if you find thereon the name of William Keefe, 1404½ Biddle street?—A. William Keefe, 1404½ Biddle street; registration number, 288; no voting number.

Q. Now, if you please, turn to special registration for precinct 119 and tell me if you find thereon the name of James Sullivan, 1626 Biddle street?—A. Yes, sir; that is here; registration number 220; no voting number.

Q. See if you find thereon the name of Patrick Wall, 1502 Biddle street?—A. Patrick Wall, 1502 Biddle street; registration number, 218; no voting number.

Q. Will you please now turn to special registration sheet for precinct 133, that being the next in the series that you have here, which you will allow us to examine, and tell me if you find thereon the name of John Ready?—A. Yes, sir; 1705 Cass avenue; registration number 18; no voting number.

Q. Please look also on that same sheet for the name of H. P. Blessing, 1515 Cass avenue?—A. H. P. Blessing, 1515 Cass avenue; registration number, 73; no voting number.

Q. T. J. Murphy, 1513 North Sixteenth street; do you find him?—A. It is J. F. Murphy, 1513 North Sixteenth street; registration number, 223; no voting number.

Q. Look, now, on that same book for the name of John O'Brien?—A. John W. O'Brien, 1727 Cass avenue; registration number, 229; no voting number.

Q. See if you find thereon the name of M. J. O'Rourke?—A. Michael J. O'Rourke, 1721 Cass avenue; registration number, 237; no voting number.

. M. Stanton 1429 Cass avenue; do you find him?—A. Mandeville
ton, 1429 Cass avenue; registration number, 241; no voting num-

. Now, please turn to special registration sheet for precinct 141, and
me if you find thereon the name of James B. Remington?—A.
es B. Remington, 1308 Howard street; registration number, 111;
oting number.

. Please turn now to the special registration sheet for precinct 143;
reason I skip these numbers is because although the books are here
our presence you refuse to testify from them. Tell me if you find
name of Ed. Gunz, 1502 Monroe?—A. Gunz, 1502 Monroe street;
stration number, 427; voting number, 158.

. See if you find the name of Stephen Papin, 1525 Madison street?—
. Stephen Papin, 1525 Madison street; registration number, 432;
ng number, 232; that man lives in my house.

. Do you know that house?—A. I do. He doesn't own that house;
ives in my house.

. Does the man reside at that number?—A. That man is on the
hwest corner of Sixteenth and Madison street.

. And is not 1525 Madison?—A. I don't think that is the number;
n't really know the number of the house.

. How long has that man lived in your house?—A. Over a year;
e may be another Stephen Papin there.

Mr. DONOVAN. This conclusively shows the direction of this inquiry;
e may be some misstatement on the part of the witnesses, or rather
man who registered; then this witness voluntary states without
g asked that that man lives in his house; that he knows him well,
that he has lived there over a year; now, what is the object of
ing further inquiry in regard, not only to this name, but to other
ies that we have not asked him about; they are all probably in the
e category; and the only object that the contestant has in so do-
is to build up his typographical case, which he is industriously en-
gaged in.

Mr. POLLARD. The absolute object is to see if we can so clearly
establish the fact before the committee that these gentlemen
voted in more than one place for Mr. Frost shall have but one of
e votes counted; now, if the gentleman wants me to explain to him
reason for making these inquiries, if he is in no hurry I will take a
at deal of pleasure in doing so, but I don't want to waste his valua-
time.

he WITNESS. I simply made that as a suggestion—a side remark—
; this man lived in my house; I didn't intend it to go into the rec-
as evidence.

By Mr. DONOVAN:

. But it is, notwithstanding, true?—A. It is true; and that may be
number on Madison street; it is on the northeast corner of Madison
et; the number of the house I really don't remember.

. You know the man well?—A. I know him very well.

By Mr. POLLARD:

. He is a good Democratic voter, is he not?—A. No; I don't know
ther he is a Democrat or a Republican; he seemingly didn't think
ugh of his vote to come and register; he comes in the office occa-
ally to pay his rent; he doesn't come as often as he used to.

By Mr. DONOVAN:

Q. It is a house that you yourself own?—A. Yes, sir; he is one of my tenants; it is a tenement house; five different parties live in the house.

By Mr. POLLARD:

Q. Inasmuch as you have the special registration for precinct 14 but refuse to give us any information contained therein, I will ask you Mr. Gonter, to turn to special registration sheet of precinct 145, and tell me if you find thereon the name of James H. Hagan, 1518 Warren street?—A. James Hagan, 1518 Warren street; registration number 344; no voting number.

Q. Look for the name of H. C. Kirk?—A. H. C. Kirk, 1307 Warren street; registration number, 351; no voting number.

Q. Charles Cull?—A. Charles Cull, 1408 Warren street; registration number 360; no voting number.

Q. Will you please turn to special registration number 148—I show say registration sheet, 148, and tell me if you find thereon the name of James G. Doyle, 1717 Saint Louis avenue?—A. James G. Doyle, 1717 Saint Louis avenue; protested.

Q. Do you find the word "protested" written after the name?—A. I find the word "protested."

Q. Did that man vote?—A. I should judge not; he has no registration number; his number is skipped.

Q. See if you find thereon the name of John Sheran, and not Sheehan?—A. John Sheyn; is that the man you want?

COUNSEL. Yes, sir.

A. 1624 Wright street; some one has written it out here in the margin as Shean; registration number, 271; no voting number.

Q. Now, will you please turn to special registration book for precinct 149?—A. Here it is.

Q. Please tell me if you find thereon the name of David M. Kinealy?—A. David M. Kinealy.

Q. Address?—A. Warren street, between Sixteenth and Seventeenth street; registration number, 336; no voting number; also puts a mark opposite his name, "no house number."

Q. William O'Donnell; 2020 Montgomery, between Sixteenth and Seventeenth street?—A. William O'Donnell; West Sixteenth and Seventeenth.

Mr. DONOVAN. What are the minutes opposite?—A. "Been registered from that place a number of years."

By Mr. POLLARD:

Q. And he again registered on last election day?—A. Yes, sir.

Q. Specially at the polls?—A. Yes, sir.

Q. Does the law authorize such a proceeding as that?—A. He means that this man's name did not appear upon the books, but that he had been registered from that house for a number of years; he may have been stricken off by the board of revisers; his name not appearing on the books, he registered.

Q. Was a man whose name was stricken off by the board of revisers properly reregistered on election day?—A. No; not according to the instructions.

By Mr. DONOVAN:

Q. Not according to the law?—A. No, sir.

POLLARD:

please give us his registration number and his ballot Registration number, 338; no voting number.

please inform me if Edward Kinealy appears on that list. Edward Kinealy.

Address?—A. Warren, between West Sixteenth and Seventeenth street; no house number. Registration number, 344; no number.

If you will, please turn to 151, and see if you find thereon Philip Ryan, 1604 Exchange street, between West Sixteenth and Seventeenth street.

AN. I again object, inasmuch as it is not twenty minutes since I asked him regarding that very name, and the witness can now give me the information that he gave him before, inasmuch as he has it on the official sheets; and why the question should be asked over and over of these mysteries which I cannot understand in any other way than that my time is to be wasted as much as possible.

POLLARD:

ask the witness whether within twenty minutes, or any time since I asked him concerning that name?

Yes, sir; you have.

How long ago?—A. How long ago I couldn't say; but this after-

noon. Information did you give me about that name?—A. That name appeared at 1604, between West Sixteenth and Seventeenth,

and I will then withdraw the question, not desiring to ask the same man more than once.

AN. That is a happy idea, to be sure; ask for full information having received it, say, "I will withdraw the question and give me back my time that you consumed in assuring me you had before asked about this same man?"

POLLARD:

Will you tell me if you find on that list the name of William W. Ballard, as registered at 1822 North Market street?—A. Yes, Ballard, 1822 North Market street; registration number, 223; no number.

Will you be kind enough to turn to special registration sheet number 13?—A. Here it is.

please, if you find thereon the name of Michael McVey, 165 North Market street?—A. Yes, sir; registration number, 223; no number.

As we cannot elicit the information we desire from the witnesses, we will call your attention to special registration sheet number 165, and ask you to please inform us whether you find the name of Thomas Mulcahy?

MONOVAN. I object to the question, for the reason that in examination-in-chief, Mr. Gouter gave all the information he was able to give to Mr. Mulcahy, inasmuch as he is simply reading the records; and, further, that when this examination-in-chief was held more than a month ago, at Mr. Metcalfe's office, with this man on the stand as their witness, he gave precisely the same information that he can give now, and absolutely no more. I refer to the committee that it is a wholesale consumption of

my valuable time, the counsel knowing that I have many witnesses attendance waiting to be examined.

Mr. POLLARD. The gentleman may be practically correct. I do desire to deny nor dispute his proposition in regard to the testimony Mr. Gonter. I simply say I have no recollection that that man's name has ever been spoken before in the examination in this case.

Mr. DONOVAN. And for that reason, because the gentleman's memory is poor I am to suffer for it. The gentleman's shortness of memory stands in an inverse ratio to the length of time he has consumed.

Mr. POLLARD. Not desiring to waste the gentleman's valuable time I will not bandy epithets. Answer the question.

A. Yes, sir; Thomas Mulcahy; Nineteenth and Hebert street, Little Sisters' Home.

Q. Registration number, please?—A. Registration number, 352; voting number.

Q. Tell me if you find thereon the name of Tim. Reedom?—A. Yes, sir.

Mr. DONOVAN. For the same reasons as before stated, I must again object, inasmuch as this is but a repetition of Mr. Gonter's testimony and the gentleman well knows it; that it is in the record on the examination-in-chief.

Mr. POLLARD. The gentleman does not well know it. On the contrary, the gentleman believes that it is not in this record.

Mr. DONOVAN. I believe the counsel has kept as good a run of case as I have of mine, and I am prepared to go on the stand and testify to the fact, because I have a minute before me of the names that were asked about from this witness on the stand. Mr. Gonter, and he is now just simply going to repeat the testimony that he gave them, and I object, for the object is plainly the consumption of my time, which will soon terminate.

Mr. POLLARD. The gentleman well knows that no one else connected with this case has the knowledge or the memory of himself, and is altogether wrong and inappropriate for him to cast slurs upon those who are his inferiors in all regards.

WITNESS. I find the name of Tim Reedom is registered at Nineteenth and Hebert streets, Little Sisters' Home; registration number, 352; voting number.

Q. Do you find thereon the name of Daniel Havhy?—A. Yes, sir; I find his name at the Little Sisters' Home; registration number, 355.

Q. At the same place the name of John Coppinger?

Mr. DONOVAN. I must again object, for the same reason heretofore stated, that the only object is to waste my time; if this was not a palpable object of this course of proceeding, I would withhold my objection for the sake of getting it over and done with; but this is palpable that I must insist upon it, and it is clearly the intention of the contestant's counsel to waste the entire day with these repeated questions, well knowing that I have many witnesses to examine, and that they are now losing their time waiting for the examination of this witness—this farce of an examination—to close.

Mr. POLLARD. In order to expedite the business of the gentleman since he is so prone to make these little florid speeches, we will proceed with the case; I don't want to consume the gentleman's time.

Mr. DONOVAN. But you are doing it handsomely and very much to your own intoxication; it amuses you immensely.

Mr. POLLARD. I am anything but amused.

WITNESS. The name of John Coppinger appears as registered fr

Little Sisters' Home; registration number, 358; no voting number; witnessed by Pat. Hennessy, Sixteenth and O'Fallon.

See if you find on that list as specially registered from the same place—and I don't ask you the registration number, because we can decide matters by not doing so—see if you find the name of Peter Mullin?—A. Peter Mullin; 357, registration number; Little Sisters' Home; witnessed by Pat. Hennessy, Sixteenth and O'Fallon.

Q. I will ask you if the counsel for the contestee did not insist you should give that answer in full?—A. Yes, sir.

Thereby himself consuming time, when I am doing everything to decide it—

r. DONOVAN. O, yes; you succeed in expediting.

By Mr. POLLARD:

Will you tell me if you find on that same registration sheet, and at the same place, the name of James Lindars?—A. Lindars; registration number, 358.

From the same place, Little Sisters' Home, William Dwyer?—A. Registration number, 359.

From the same place, Pat. Connell?—A. Yes, sir; it is here; registration number, 360.

Will you please turn to special registration sheet for precinct 166, tell me if you find thereon the name of Charles K. Davis?—A. Charles K. Davis; 1724 Bremen avenue; registration number, 405; no voting number.

Philip M. Dorren?—A. 3901 Kossuth avenue; I can't say that is Dorren; it is Philip M.; but I wouldn't undertake to call that name Dorren.

What does it look like?—A. It looks very much like Dollen.

Did he vote?—A. That I can't say.

He registered?—A. Yes, sir.

His registration number?—A. 410.

Philip Wiley, Twentieth and Bremen?—A. Twentieth and West Bremen avenue; registration number, 431.

Will you be kind enough, now, and turn to special registration for precinct 167, and tell me if you find thereon the name of Jack McCoy having registered from Grand avenue, opposite to the fair grounds?—A. Yes, sir; registration number, 38; no voting number.

See if you find the name of Martin J. Flanagan, corner of Kossuth avenue and Grand avenue?—A. Yes, sir; it is here; registration number, 65; no voting number. I should judge that the number given here is the registration number of these parties; it is put in the wrong place; I really think it was intended for the voting number.

Inasmuch as you refuse to permit us to examine the witness from the books, which he says he has here in his hands, we will now ask him no further questions.

By Mr. DONOVAN:

Q. Mr. Gonter, in many of these cases you are barely able to tell me what the name is as it appears upon the sheet?—A. Yes, sir. They are written in many cases very illegibly?—A. Yes, sir.

Both in name and in number?—A. Yes, sir; they are.

And the probabilities are that mistakes have been made?—A. Yes, sir.

Mr. Gonter, was there a board of revision appointed for this last election held in April?—A. Yes, sir.

Q. What was the difference in the mode of conducting their business this year, and the mode in which the board of revision for the November election conducted their business?—A. None whatever.

Q. Mr. Pollard has sought to make out that owing to the partisan action of these boards that Republican candidates were defeated; there was no difference in the mode of procedure, can you explain why under one board of revision, Democrats should be elected, and under another board of revision conducting its business in just exactly the same manner, a Republican victory is attained?

Mr. POLLARD. I object to that question, because it is a hypothetical question; and because the gentleman well knows the reason himself, and that is, that last fall there were over twelve thousand names stricken off, almost exclusively Republicans; whereas this spring there were only about three thousand names stricken off; the lesson that has been learned has been of some value to them.

By Mr. DONOVAN:

Q. The reason there was a less number of names stricken off because the work had been done but a few months previously; is that the cause?—A. Yes, sir. There was but four months between the two boards.

Q. And what was the number of months between the board of revision which sat in October last, and the previous board of revision?—A. Nearly two years.

Q. So in the lapse of two years it is likely that a board of revision would find more names to be stricken off than in a lapse of but two months?

Mr. POLLARD. I object to the question as leading.

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By Mr. DONOVAN:

Q. Do you believe that either of these boards were partisan in their character?—A. I do not, sir.

Q. Do you know the members of both boards?—A. I know some of them personally; others I never saw until they met in the board.

Q. What was your opinion of the standing as citizens of the board of revision which sat at the April and the November elections?

Mr. POLLARD. I object to the question as immaterial and irrelevant.

A. I thought they were high-toned gentlemen, and incapable of doing anything wrong.

By Mr. DONOVAN:

Q. In their actions was there anything of a partisan character?—A. Nothing whatever.

Q. In the action of this last board of revision, was there anything of a partisan character?—A. Nothing. The question of politics was never once broached in the board.

Q. In either board?—A. In either board.

Q. If the action of these various boards of revision appointed by the gentleman, Mr. Overstolz, was of such a base, partisan character, can you explain how the Republican ticket should carry this city by a majority of thirteen thousand?—A. No, sir; I can't explain that; that can't be explained.

Q. It shows that there was no partisanship in either board?—A. Yes, sir; that is it, exactly; that seems to be the case.

Q. You ascribe the result of the recent Republican victory to the action of Democrats.

Mr. POLLARD. I object to that question, because it is irrelevant and immaterial.

I do.

POLLARD. I further object to it, because it is simply a guess more.

By Mr. DONOVAN:

Is it a guess or not, Mr. Gonter; let us have your view; you keep, we, a political barometer?—A. It is no guess so far as I am concerned; I think it is an actual fact; the Democratic party elected the Republican ticket.

Q. And that action was not occasioned by the partisanship of either of the boards of revision?—A. None whatever.

Mr. POLLARD. I object to that question because, it is irrelevant and immaterial; and because it is not proper matter to be examined at the present time after the gentleman has been cross-examined and because it shows the absolute hollowness of the gentleman's allegations of consumption of time on the part of the contestant.

By Mr. DONOVAN:

Mr. Pollard, in his repeated examinations or cross-examinations of himself, made you state that it was the plain duty of the board of revision, just prior to the November election, to take testimony regarding names that had to be stricken off from the registration lists, by reason of death or removal, or other cause; now, will you please state whether you meant to state anything of that character.—A. No, sir; not in an individual case; I say the law states that testimony could be taken before that board; any person who was stricken off wrongfully, they could come up before that board and state their case and testimony; but there was no such cases come up before either of the boards.

At the last board in November?—A. There was one or two gentlemen sent their names there by some party who had them read before the board. They were immediately reinstated. There was no testimony heard in the case.

Do you believe it proper for a reviser, in completing his work on the revision, to employ assistants?

POLLARD. I object to that question, because it is immaterial and irrelevant; it makes no difference what this witness believes about the subject.

By Mr. DONOVAN:

Inasmuch as Mr. Pollard has asked him those questions as to his standing in this regard, I presume that I will be permitted to ask him a few questions on the same subject, and in the same manner.

POLLARD. I shall certainly not ask the witness to refuse to answer the question.

There is nothing in the law to prohibit him from doing it.

By Mr. DONOVAN:

And that is the opinion of the city counselor, is it not?—A. I believe that is the opinion of the city counselor.

Q. What would be the effect if the board of revision was compelled to take testimony regarding each name that was stricken from the list; would it not make the board an absolute nullity and void under which they acted an absolute nullity?—A. It would be impossible for them to get through with their business.

Q. And for that reason they could hand in their reports as they did and they could employ assistants if they saw fit?—A. The different boards of revision that I attended, and I have attended them all since I have been recorder of voters, about the first thing they did after opening their first day's session was to pass a resolution covering this matter, so that when a reviser reports a list of names, that board under the resolution thus passed, without any canvass whatever, shall be turned over to the recorder of voters, and he shall strike them from the books; in this category were all those marked not found, dead, removed, or anything that would indicate that the parties didn't live where they purported to live.

Q. Has that or has that not been the universal rule and mode of procedure with all boards of revision on which you have attended the capacity of secretary?—A. Yes, sir; that is the standing resolution that comes up before every board.

Q. And the action of the board is the same?—A. Yes, sir.

Q. And the board that sat just prior to the November election acted as other boards did?—A. Yes, sir.

Q. There were certain instructions sent out with the poll books for the guidance of the judges, clerks, and officers at the election polls, and these instructions were signed by Mayor Overstolz, yourself, and city counselor; were similar instructions sent out at this last election for this mayoralty election?—A. Yes, sir.

Q. Were similar instructions sent to the judges and clerks and officers of the November election?—A. Yes, sir; the same were sent.

Q. Were not these rules general?—A. They were general rules.

Q. Can you explain how Mr. Pollard can twist those instructions which are general at all elections, and directed to the officers at the polls, at all elections, to be of a partisan character?

Mr. POLLARD. I object to the question because it is incompetent. Mr. Pollard, the individual to whom he refers, being right here in the presence of the court, is very willing to give his own explanations direct; and the counsel for the contestee can appeal to him and he will explain them either under oath or without putting him on the stand; but, certainly, this witness now on the stand, cannot state what my reasons were; he can only state what he thinks my explanation may be.

A. I cannot tell.

By Mr. DONOVAN:

Q. Are they of a partisan character?—A. Not that I remember of.

Q. Did their meetings have any semblance of partisanship?—A. No, sir; they were not so intended.

Q. Are they not as fair for one party as for another?—A. That was the intention.

Q. Wasn't there a Democratic victory under those instructions at the November election, as far as Mr. Frost was concerned?—A. Yes, sir.

Q. And wasn't there an overwhelming Republican victory on the same instructions at the mayoralty election of but a few days since?—A. Yes, sir.

Q. Do you not regard that as a pretty fair illustration of their being utterly devoid of anything that savors of a partisan character?—A. Yes, sir. Well, the instructions were nothing more than the law; as proposed to be the law which was to govern all officers of election. There was nothing partisan that I know of in their get-up. I am satisfied they were not so intended.

Mr. Ewing, our present Republican mayor, from whose inauguration his whole court has just arrived, had no objection to those instructions had he?—A. I heard of none.

Is it a fact or not that where a man has appeared on the registration sheets at one election and it does not appear at another, some action was taken upon the name by the board of revisers, and that the name was stricken off?

POLLARD. I object to that question, because it is incompetent and irrelevant.

It may have been; you speak of the registration list?

DONOVAN. Yes. If a name appears upon the registration sheets at an election, and subsequently at the same poll that name does not appear, is it not a fair inference that the board of revisers have stricken the name from the list?

No, sir; all those names—

I am not talking about those; I am talking about the general registration.—A. Yes, sir; that would be the supposition, that his name had been stricken off, his name not appearing there, unless he had removed it himself.

Have you got a revised list of those who were stricken off by the board of revisers in October last year?—A. Yes, sir.

I have not asked you to look at it, have I?—A. No, sir.

In fact, I was not aware that you had such a list until this morning.

Is that a fact or not?—A. That is a fact, I guess; because no one knows that we have got it; but still we keep it. We have got a list of those stricken off by the board of revision, and the reason why we have it is opposite their names. I use it for convenience.

If sufficient time is granted me, will you assist me in looking down the list and see what names were stricken off?—A. Yes, sir.

POLLARD. The counsel for the contestant will now here grant the gentleman all the remainder of his time, to wit, two days, in making that investigation. We will lay no obstacle in his way whatever.

DONOVAN. The gentleman is very generous.

Was Mr. Overstolz partisan enough to re-elect himself to office?

POLLARD. I object to that question, because it is a well-known fact that he would have done so if he could have done it.

I am unable to answer the question.

By Mr. DONOVAN:

Was he re-elected to office?—A. No, sir; he was not.

Was he not beaten by a larger majority than any mayor to your knowledge in the whole history of the city of Saint Louis?—A. Yes,

Mr. Pollard asked you some questions regarding the action of the Missouri legislature in changing the office of registration here; was it in any manner directed against you?—A. Not that I am aware of.

Do you not believe that Mr. Pollard himself would recommend for reappointment to that place?—A. I am unable to answer that question.

Mr. POLLARD. I will assure the gentleman right now that I will do so with the utmost pleasure; for I verily believe that Mr. Gontier is more willing to deal fairly and honestly, and give, as he can under a Democratic administration, and in a city which has been controlled by a Democratic mayor, an equal showing to all,

as much so as any other Democrat whose acquaintance I have made.

Mr. DONOVAN. Notwithstanding it is a fact, Mr. Gonter, Mr. Pollard has in his petition in this case made the most outrageous charge against the conduct of your office; now was there anything unfair your administration of the duties of your office, or is there anything a partisan character in your administration of that office, which could give any basis to the shameful charges laid at your door by this counsel for the contestant who is now so willing to recommend you for appointment?

Mr. POLLARD. I object to that question because it is not a fact; did not charge that Mr. Gonter himself committed these frauds; we do charge that this board of revision, with whose appointment he had nothing to do, and whose action he could not control, did permit and permitted to be perpetrated these enormous frauds that were perpetrated, and by reason of which this contestee was counted in.

A. No, sir; I know of nothing of the kind—of any fraud that been perpetrated in my office; I know of not a single instance.

By Mr. DONOVAN:

Q. The charge in that petition was to the effect that over two hundred voters had properly presented themselves for registration at your office and were refused, and that on election day these voters presented themselves and demanded the right to vote, and were denied the right and privilege, and that they would have all voted the Republican ticket; now, as far as you are concerned, how much truth is there in that charge?—A. I answered that question once before; stated that it was untrue, and I still say so; I don't think they have traced the charge of fraud to my office.

By Mr. POLLARD:

Q. Mr. Gonter, the proof shows in this case that a great many men did go to the office of the recorder of voters and sought to be registered, and because so many were there to register before them they were unable to be registered. I will now ask you how many clerks and employes you had about your office the last few days preceding the election, or few weeks?—A. There was about—I think I had at one time about twenty-four men behind the counter.

Q. Who appointed those men?—A. The mayor, under an ordinance of the council.

Q. Were you personally acquainted with them before they came there?—A. Not all of them; no, sir.

Q. Do you in fact now assert on this stand that each and every one of them did his whole duty, and nothing but his duty?—A. I think I have discovered nothing in any of their acts that would lead me to believe they had done anything out of the way; I believe they were acting honestly; they were acting under my instructions, and they were further instructed, in all cases where there was any difficulty about a man—about his registration—whether he was here long enough or in regard to his papers, that I should be consulted before he was rejected.

Q. Do you know what the political complexion of these twenty-four men were—these employes of yours?—A. They were of all parties, near as I could tell.

Q. Did you have more than one Republican in your office?—A. Yes, sir; yes, sir.

Q. How many; please tell us?—A. Well, I couldn't tell you who

erks are now. I don't recollect their names, but they were possibly early one-half of them Republicans.

Q. And probably not more than one-tenth?—A. I have already said that I thought about one-half of them were Republicans; there is considerable difference between one-half and one-tenth.

Q. And you mean to say now that you personally oversaw and were prepared to state absolutely that no one of them committed the most violent violation of the law?—A. I heard none; I have received no complaint.

Q. But you cannot make that absolute assertion, I suppose?—A. No, cannot say; some of them might have done something that was not right.

Q. Did you say that this law does not anywhere say that the revisers shall not employ assistants?—A. Yes, sir.

Q. I would like to know whether it does anywhere, directly or indirectly, absolutely or by implication, say they shall employ assistants?—A. No, sir; it does not.

Q. How long have you been on this board of revision?—A. I have been secretary of three different boards.

Q. For how many years last past?—Two years.

Q. And no more?—A. A little over two years; it was two years last February since I was appointed.

Q. During all which time Mayor Overstolz, who was the Democratic candidate for re-election last spring, was mayor?—A. Yes,

Q. And all the revisers during that time were appointed by him, were they not?—A. Yes, sir.

Q. And during the whole of that time the board was composed almost exclusively of Democrats, was it not?—A. Well, sir, I couldn't say how many Republicans were on it.

Q. And are you able to state, Mr. Gonter, from your own knowledge, whether or not during any time when the Republicans have had control of the city of Saint Louis, their boards of revision took the same action, employing the same machinery, as did those boards with which you have been familiar, and concerning which you have testified?—A. That I cannot say; I know nothing about the previous boards under the Republican rule; I have given no attention to that department.

Q. You say there was nothing partisan in the action of that board last fall; I will again ask you, since you have been again interrogated, to tell me how many Republicans there were on that board of twenty-eight revisers?—A. I cannot state the number; I will say this, that the Republicans on that board uniformly indorsed all the actions of that board.

Q. Every one of them were Overstolz men, were they not?—A. That cannot say.

Q. You have testified that you found much difficulty in reading these names on these special registration lists; I will ask you if the names which the contestee has called your attention to are not very largely German names?—A. Yes, sir.

Q. And doesn't the difficulty arise largely from the fact that their names in many instances are written in German?—A. In some instances; yes, sir.

Q. And you cannot read German?—A. No, sir; I cannot.

Q. Mr. Gonter, how many names were stricken off by this board of revision which has preceded this last election?—A. 4,087.

Q. And you say that only occurred about four months subsequent to the board which met last fall?—A. From October until March.

Q. It is five months, is it not?—A. Well, five months, then, to be exact.

Q. Are you personally acquainted with Mr. Lauman, who was one of the revisers last fall?—A. I am not. I will state, since you ask me the question, that Mr. Lauman and Mr. Springmeyer each formerly filled that position in their respective wards, and they were reappointed to the positions; no, I haven't got that quite straight. Mr. Springmeyer had formerly filled that position in that ward and was reappointed, but declined and recommended Mr. Lauman; the mayor requested me to ascertain who Mr. Lauman was; I did so; I found him and brought him to the mayor, or had him brought there. Mr. Springmeyer had recommended him as a fit party to fill that position and under that recommendation Mr. Lauman was appointed.

Q. What ward was Mr. Springmeyer of?—A. I think it is the Twelfth ward.

Q. Do you know what ward Mr. Lauman represented on that board?—A. I don't recollect the ward. I recollect Mr. Lauman very distinctly, though.

Q. But he succeeded Mr. Springmeyer in the same ward?—A. I think it was Springmeyer; no, it wasn't Springmeyer; I am mistaken about it; it was a grocery man at the corner—up on Ninth street; what was his name? Steber is the man's name, in place of Springmeyer, who recommended Mr. Lauman.

Q. You know Mr. Stolteben, do you not?—A. I know him by sight. Q. Do you know him out of the board?—A. No, sir; I don't know anything about him, politically.

Q. Do you know the reason that he has not been put on the stand by the contestee in this case?—A. I do not, sir.

Q. Do you know how he did his work in his ward?—A. Well, he did it like all the rest.

Q. You know that of your own personal knowledge?—A. I know nothing more than his reports to me.

Q. He simply reported, then, like all the rest?—A. He reported like the rest.

Q. But as to the method which he employed in doing his revision, you don't personally know?—A. No, sir; I know nothing about how he obtained the names.

Q. I want to ask you, Mr. Gonter, whether there was any special registration at this last spring election, which just occurred here last week?—A. No, sir; whether there was any at this—

COUNSEL. Yes, sir.

A. No, sir.

Q. Will you tell how many men were specially registered last fall at the polls on election day?—A. There were over seven thousand.

Q. Do you not, as a matter of fact, know that a large percentage of those who so registered were fraudulently registered?—A. I think they were; yes, sir.

Q. Mr. Gonter, isn't it a fact well known in this community that this spring election was carried by the Republicans largely, because there was no special registration, and consequently there was not such a large margin for fraudulent voting as there was last fall?—A. No, I don't think that way.

Q. I ask you if that is not a matter of public notoriety in this city?

A. No, sir; I can't say that it was. I don't think that has any bearing on the present election.

Q. Do you know whether it is so claimed by the Republicans, and so believed by them in this city?—A. I don't think that the Republicans themselves claim it as a Republican victory.

Q. But there was such dissatisfaction, and there were such apparent frauds committed on the ballot-box by this special registration, that the Democratic legislature of this State were compelled to, and did, repeal the law authorizing registration on election day?—A. No, I don't think that was the object; I think the object was to protect the registration system.

Q. You do not think the object of it was to prevent fraud?—A. Well, that may have been the object, also; they may have thought there was fraud committed under this special registration.

Q. And all these individuals at the polls last fall who were authorized and specially empowered to register voters there were appointed by Mayor Overstolz?—A. No, sir; they were not.

Q. By the judges of election?—A. By the judges of election.

Q. And the judges of election were appointed by Mr. Overstolz?—A. Yes, sir; supposed to be equally divided in politics.

Q. Which supposition is not borne out by the facts, however, is it?—A. I will state again that the names of the Republican judges of election were furnished Mayor Overstolz by the Republican central committee, and he appointed those gentlemen as judges; they were selected by the Republican committee to act as judges of election, and were appointed by the mayor.

Q. But isn't it a fact well known that in a large number of instances the Republicans so appointed did not serve?—A. That I cannot answer.

Q. And is it not also true that many Republicans were so appointed by Mr. Overstolz, who well knew at the time that they would not serve?—A. That I cannot say; his object was to select good men; that was the instructions to the parties who obtained those names.

Q. You infer his object was what he said, I presume?—A. Yes, sir; and the instructions given to the parties who had the getting of those names, which was to get the best men they could find in the city who would serve; and these men were particularly asked whether they would serve before they were appointed. The Republican central committee brought up a full set of men for each district of the city, and having stated to Mayor Overstolz that these men would serve he appointed them. If they did not serve it was their fault. The citizens then had to elect judges in place of those who declined or failed to serve.

Q. Well, now, you say that Mr. Overstolz was defeated at this recent election by a larger majority than any Democrat had ever been defeated in this city?—A. I think that is true; I don't know of anybody else that has had so large a majority against him.

Q. He polled only about two-fifths of the voters?—A. A little over—11,000.

Q. How many did his opponent poll?—A. 24,000 and upwards.

Q. Inasmuch as we have, to some extent, embarked upon the sea of guessing, I would like now for you to give us the benefit of your belief as to why he was defeated by such an unprecedented majority.—A. It is unaccountable, sir; I couldn't answer the question.

Q. Is it not because he was nominated by the worst element in the Democratic party; by that element which had controlled his action

during the time that he was mayor of this city?—A. I can't answer that question.

Q. Is it not so charged publicly, and so pronounced on the street-corners of this city?—A. Not that I know of.

Q. By Democrats and Republicans alike?—A. I haven't heard of it if that is the case.

Q. Isn't it a fact that one of the leading Democratic papers of this city, the Post-Dispatch, published by the Hon. Joseph Pulitzer, opposed him strenuously and bitterly for the very reasons which I have alleged?—A. I can't say what his object was in opposing him.

Q. Did he not state that as his object?—A. Not that I know of.

Q. Did you not read that paper?—A. Occasionally.

Q. But you do not indorse those views?—A. No, sir; I do not; not in that regard.

Q. You voted for Mr. Overstolz at this election?—A. I did, sir.

Q. And the whole Democratic ticket?—A. And the whole Democratic ticket.

Q. And was not every man that was on the Democratic ticket, who was voted for by the electors at large, defeated?—A. Yes, sir.

58 Q. By majorities averaging, outside of that for the mayor, about five thousand?—A. Well, from three to seven thousand one of them twelve hundred; he was beat by twelve hundred.

Q. Are you not convinced that that turn was taken by the voters of this city simply because of the frauds perpetrated in the name of Democratic party, and by the sanction of the mayor of this city, at November election?—A. I do not know, sir.

Signature waived.

59 HENRY KAISER, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name to the notary, please?—Answer. Henry Kaiser.

Q. How old are you, Mr. Kaiser?—A. I am going on 35.

Q. How long have you lived in the city of Saint Louis?—A. About fifteen years.

Q. Are you at present an officer of the metropolitan police force of the city of Saint Louis?—A. Yes, sir.

Q. How long have you been on the force?—A. Going on four years.

Q. You were then an officer on November 2d last?—A. Yes, sir.

Q. Were you during any portion of that day stationed at polling precinct 39?—A. I think that is the number.

Q. Where is it located?—A. It is located on the east side of Broadway, north of Hempstead.

Q. Were you at any other polls on that day?—A. I was on Eleven and Hebert.

Q. At any other?—A. Yes, sir; I was on the west side of Broadway between Lebaume and Hempstead, for an hour or more.

Q. Where did you stay at poll 39; or first, where did you state the poll was located?—A. Between Lebaume and Hempstead; it is north of Hempstead on the east side of Broadway.

Q. How long were you present at that poll on that day?

WITNESS. At 39?

COUNSEL. Yes.

A. I was sent there between twelve and one o'clock; at noon.

Q. How long did you remain there?—A. Then I was taken away some time in the afternoon to relieve another officer to go to his meal; it took him between an hour or two; something near an hour, any-way.

Q. But you think you were at the poll about an hour altogether?—A. At that poll.

Q. And how long were you at poll 39 on election day?—A. The whole afternoon, except the time that I had to go to another poll to relieve this officer, so that he could get his dinner.

Q. What was the conduct of affairs at that poll while you were there?—A. Well, I didn't see much unusual going on; some argument every once in a while, just as it will happen at every election.

Q. Nothing more than is usual at all elections?

Mr. POLLARD. I object to the question as leading; I shall protest against the counsel leading this witness.

By Mr. DONOVAN:

Q. Well, was there any serious disturbance at the poll while you were there?—A. Not that I seen.

Q. Who was doing the most of this arguing?—A. I don't know their names exactly; I know some of them that come there.

Q. What was the politics of these people that were doing this arguing and creating this commotion, if any?—A. I think both sides; both parties; Republican and Democrats.

Q. Did you have any occasion to make any arrests while you were at the polls?—A. No, sir.

Q. Did you see any negroes at that poll treated unfairly or discourteously?—A. There was some that come to the polls and wanted to vote, and I seen other men step up and saying that they hadn't been there long enough; hadn't been in the city long enough; that they was not entitled to vote; that if they voted it would be contested.

Q. They simply challenged the votes of some negroes?—A. They simply challenged the votes of some of these negroes.

Q. Were there many negroes in the vicinity of the polls?—A. I didn't see many.

Q. But were there some?—A. There were some.

Q. Were they permitted to remain there?—A. Yes, sir.

Q. Didn't they have the same privilege at the polls as the white men?

Mr. POLLARD. I object to the repeated leading questions; the gentleman is examining his own witness.

By Mr. DONOVAN:

Q. How were the negroes at that poll treated?—A. I didn't see anything out of the way much; they were not abused; they were not jerked or pulled around.

Q. Not any more than the white men?—A. No.

Q. During the afternoon that you were there was there any occasion for your interference as a police officer of the city of Saint Louis?

61 Mr. POLLARD. I object to the question as leading.

A. All we looked after was to prevent fighting and disturbance, because there was two deputy marshals from both parties, and we thought that they had the right to interfere if there was any interfering to be done that day.

Q. But did you see any occasion for any interference?—A. No, sir.

Q. The poll, then, was peaceable?—A. It was peaceable; your word might be said off and on, which they will argue at all elections.

Q. Do you know if Mr. Pohlman visited that poll with a corps of armed men and attempted to vote them?

Mr. POLLARD. I object to that question, for the reason that it is leading.

A. No, sir.

By Mr. DONOVAN:

Q. Well, did you notice some of those Republican managers bring up a group of negroes there and attempt to vote them at that poll?

Mr. POLLARD. I object to that question, because it is leading.

A. I seen Mr. Bensieck, the livery-stable man, come around there occasionally with some negroes.

By Mr. DONOVAN:

Q. Did he take them up to the polling window?—A. Yes, sir.

Q. Did he have any conversation with the judges in regard to the negroes?

Mr. POLLARD. I object to this and all these preceding questions because they are leading.

By Mr. DONOVAN:

Q. What transpired at the window when Mr. Bensieck brought the colored men there?—A. He wanted them to vote; he told them that he wanted the judges to take those votes.

Q. And what did the registrar have to say?—A. Well, this man stepped up and said they hadn't been living in town long enough, other parties said that.

Q. And they had a hearing, just as any voter would have?

62 Mr. POLLARD. I object to that again, as leading.

A. Yes; the majority of them; that is, as far as I noticed.

By Mr. DONOVAN:

Q. About how many of these colored men came up with Mr. Bensieck?—A. Well, I expect there was from five to eight or nine at one time.

Q. How often did he bring them up?—A. I couldn't say exactly how often he came around, but I seen him around there.

Q. Well, about how often did he come there with colored men and desire to thrust them in at that poll?—A. I think I saw him around there two or three times.

Q. Did he bring the same men back?—A. That I don't know, whether they were the same parties or not.

Q. Can you tell the difference between one negro and another?—A. I could if I paid particular attention, but I did not pay any particular attention.

Q. Do you not know Mr. Bensieck to be the right bower of Mr. Seessinghaus in this case?

Mr. POLLARD. I object to that question as immaterial, irrelevant, and leading.

A. I don't know that.

By Mr. DONOVAN:

Q. Do you know whether or not he is a prominent Republican politician?—A. I never knew it until I seen him there at the polls; I

known the man by sight a good while, but I didn't know what part he takes in politics.

Q. What is his business ?—A. Livery-stable man.

Q. What are his politics ?—A. That I don't know ; only I seen that he wanted those colored men to vote ; from that I should judge that he was a Republican ; that is all I know about him—as to what politics he has.

Q. Is he a man capable of insisting on his own rights, if he has any ?
—A. Pretty much, I guess.

Q. A strong, positive man, is he not ?—A. Yes, sir.

Q. Was there any disturbance when these negroes were brought by him to the polls ?

Mr. POLLARD. I object to that question, for the reason that it is leading, and because he puts the answer that he wants directly into the mouth of the witness.

63 A. Only the argument that they had ; he insisted that they should vote, and others wouldn't allow them.

By Mr. DONOVAN :

Q. So, if there was any disturbance whatever, it was created by this prominent Republican, Mr. Bensieck ; is that the truth or not ?

Mr. POLLARD. I object to that question as leading.

A. More so than at any other time.

: By Mr. DONOVAN :

Q. More so than at any other time ?—A. Yes, sir.

Q. So, all that you saw, then, at the poll that day was the usual arguing that is usual at all elections ?—A. That is all.

Q. Nothing unusual ?—A. No, sir.

Q. Do you know the judges at that poll ?—A. No, sir.

Q. Do you know the officers that were inside of the poll, any of them ?
—A. No, sir.

Q. Were colored men permitted to go inside and register, if they were entitled to register ?—A. There was some colored men inside.

Q. You saw them in there ?—A. Yes, sir.

Q. Were they or were they not all treated the same as white citizens there ?—A. As much as the white people ; yes, sir.

Q. Do you know the colored United States marshal that was stationed there at that poll, a large man about six-feet-two high, and weighing about 220 pounds ?—A. I seen the marshal around there, but I don't know his name.

Q. Was he drunk or sober ?—A. At the close of the polls he was drunk.

Q. What did he do at the close of the polls, or attempt to do ?—A. Well, he didn't do anything, only talking and standing outside and looking at the clerks and judges ; he said the judges and clerks were no account ; that they were chuckle-heads, that he could get through in five minutes ; that there was no use to count the votes up again, because he had it already, and finally insisted that they shouldn't count any more.

Q. He was stationed there for that purpose ?—A. I suppose so.

Q. He was drunk when he stated this ?—A. Yes, sir.

64 Q. Was he around the polls during the entire time that you were there in the afternoon ?—A. Most of the time.

Q. Taking special care of the colored voters, wasn't he ?

Mr. POLLARD. I object to all these questions, for the reason that they are grossly leading, but in order not to waste the gentleman's time, I

don't want to repeat the objection in each instance, but I now wish to have it apply to every question heretofore asked, and I presume to every one hereafter asked by the gentleman.

A. Well, I couldn't say that he took a very active part; what he spoke to those colored men I don't know.

By Mr. DONOVAN:

Q. Was he arguing with this prominent Republican manager, Mr. Bensieck?

Mr. POLLARD. I object to that question as leading.

A. They spoke together there occasionally; whatever their conversation was I couldn't tell you.

By Mr. DONOVAN:

Q. Was there any fighting at that poll while you were there?—A. Not that I seen.

Q. Did you hear of this little scrimmage in the morning in which a Democrat got hit on the nose about a half block away from the poll, around the corner?

WITNESS. In the morning?

COUNSEL. Yes.

A. I was not there in the morning.

Q. You never heard of that little scrimmage that has been magnified by the contestant's counsel here into a great battle?

Mr. POLLARD. I object to the question for the reason that is immaterial and leading.

A. I don't remember anything that occurred there in the morning; I wasn't there in the morning; I didn't get there till afternoon.

By Mr. DONOVAN:

Q. And you didn't hear of any great fight there?

Mr. POLLARD. I again object, because the question is immaterial and leading.

By Mr. DONOVAN:

Q. Do you know whether the only man that was hit at that poll that day was a Democrat?

65 Mr. POLLARD. I object to the question, because it is leading.

A. I don't know.

By Mr. DONOVAN:

Q. You never heard anything about it?—A. No, sir.

Cross-examination by Mr. POLLARD:

Q. Mr. Kaiser, who appointed you to the position which you now hold—A. Police commissioners.

Q. Who were the police commissioners when you were appointed?

A. There was Colonel Armstrong, and Basil Duke; I can't think of the other one's name just this minute.

Q. All good, staunch Democrats?—A. That I don't know.

Q. Armstrong and Basil Duke are not only good, staunch Democrats but they are such Democrats as saw fit to cast in their lots with the Southern Confederacy during the late unpleasantness?—A. I don't know anything about that.

Q. Was not Basil Duke a general in the Confederate army?—A. I don't know.

Q. Do you know who the police commissioners now are?—A. Yes, sir.

Q. Who are they?—A. There is Cupples, Maxon, Simmons, and Kinkead.

These police commissioners are all Democrats?—A. You can't see that by me.

They are all appointed by the governor, and have been for years?—A. Yes, sir.

By the governor of this State, and he is a Democrat?—A. Yes, sir.

You say you saw Mr. Bensieck bring up from five to nine colored men to vote?—A. They were together; whether they all intended to vote, or whether they just come there, I don't know anything about; I only saw them come up there; he told them to get into line.

Didn't you go there for the purpose of enabling those colored men to vote, because they were not permitted to vote unless there was some prominent Republican there with them?—A. That I don't know.

Isn't that the fact that at that poll no colored men who went there themselves were permitted to vote at all?—A. They got to the polls; I didn't see any one lay a hand on them.

Q. Did you see any colored man vote there unless he was accompanied by some white men, that day, while you were there?—A. I never seen colored men vote; but I don't know whether there was any white men with them or not; there is men expressed themselves there is so many colored men registered from a certain house on that street—or wanted to register, and that these men knew who lived in that house, and they said that they hadn't lived there long enough to be entitled to vote; these men said there was forty-five at that house, were either registered, or all tried to vote at the same house.

And this man who was telling you this said that not one of them could vote?—A. No, sir; he didn't make that remark.

Didn't he or some other man about the polls threaten every negro who went there and attempted to vote with arrest and punishment, if he persisted in his attempt to vote?—A. That I don't know.

You don't know whether that is so or not?—A. No, sir.

You say they challenged their votes; now, what did they say to you when they challenged their votes?—A. I don't know exactly what language was; only they said that they were not entitled to vote; it had been here long enough; that they challenged their votes.

And coupled that with a threat to have them arrested if they persisted in attempting to vote?—A. That I don't know.

Was the language which these white men used towards these colored men loud, or low and mild?—A. Well, it wasn't very loud; it might have been some little hollering going on, and talking, as usual does at all polls.

Did you see quite a concourse of white men gathered around that place all the afternoon, while you were there?—A. Most of the time it was; we used to keep them back, away from the polls as much as we could, and keep the side-walk open.

And whenever any colored man approached those polls did not the white men congregated there also approach with them?—A. There were some watching them, I guess.

All the time?—A. I don't know whether it was all the time.

Now, you didn't arrest any man, and didn't see any man arrested on that day, did you?—A. While I was at the other poll I saw a colored man arrested.

A man from this precinct 39?—A. From that precinct.

Q. Then there was a man arrested at precinct 39 that you know of—one colored man?—A. Yes, sir.

Q. Do you know what was done with him?—A. No, sir. He was taken to the station-house by the marshal, that is all I know.

Q. Do you know what he was arrested for?—A. I do not.

Q. Do you know whether he was ever punished?—A. I do not.

Q. Don't you know, Mr. Kaiser, that he was arrested at the instance and instigation of those white men congregated at that poll for the purpose of deterring other colored men from approaching and depositing their ballot?—A. I don't know what he was arrested for.

Q. Do you know his name?—A. No, sir.

Q. You didn't see any scrimmage there that day, did you?—A. No, sir.

Q. You didn't see any man hit?—A. No, sir.

Q. How many other policemen were there besides yourself?—A. There was one more man most all the time, and towards evening there was, I believe, another one stationed there, and the sergeant used to come around occasionally.

Q. Was there any man there in the forenoon—any policeman to your own knowledge?—A. Officer John Collins.

Q. You found him there when you went there; you don't know, of your own knowledge, how long he had been there?—A. No, sir; only I believe since the polls opened.

Q. You heard that?—A. Yes, sir; he told me that.

Q. You went there between twelve and one o'clock?—A. Yes, sir. Between twelve and one o'clock.

Q. How long did you stay there before you went away to relieve this man at the other voting precinct?—A. I might have been an hour, or about that I guess.

Q. Then you went from there about two o'clock and were gone from one to two hours?—A. Yes, sir.

Q. You were gone about two hours at this other precinct?—A. I don't know how long; I didn't keep the time; I didn't keep account of it.

Q. How far apart were those two polls?—A. I think, pretty near a block.

Q. Now, it is a fact, is it not, that there were some United States marshals, one a colored man, who was drunk, and another whose duty it was, as you understood the law, to protect these voters, and to attend to all matters, unless there was some actual fighting going on?—A. Well, as far as that man being drunk—I didn't say all day, I said in the evening.

Q. Well, you understood that to be their duty?

Mr. DONOVAN. I object to the witness answering that question before he has finished his previous answer.

Mr. POLLARD. The counsel did not interrogate the witness until he had fully finished his answer. I object to the counsel for the contestee taking the witness out of my hands; but as he has supreme control we will wait and let him go on with the witness.

Mr. DONOVAN. The counsel for the contestant makes a misstatement when he states that I have interfered with the witness. He was in complete control, and I had no objection to make until he cut the witness short in his answer, and without letting him finish propounded another question to him. My interruption was simply for the purpose of protecting the witness.

Mr. POLLARD. And I again repeat that there was no interruption on my part. The witness had come to a full and complete stop, and informed to me that he was through. I propounded another question. Now, I will wait for the gentleman to examine his witness.

Mr. DONOVAN. For some reason, best known to himself, the counsel

the contestant seems exceedingly anxious to make an impression on this record at this point which does not exist, and so advances these ridiculous stump speeches; he very well knows that I have had nothing to say to this witness since he began his cross-examination, until a moment ago, when I interfered, because the counsel was bent upon cutting off an answer of the witness. I have had nothing further to say to the witness, and the counsel's talk about my going on with the witness is silly. Proceed with your examination.

By Mr. POLLARD :

Q. Will you please answer the question last asked you ?

WITNESS. What was it ?

COUNSEL. Your understanding was that it was their duty to protect the voters in their right to vote, and you didn't interfere in that regard unless there was an actual manual fight ?

A. I didn't take no part in that line at all; I thought that they were competent to do their duty, what they were placed there for, to see that the election went on all right.

Q. You didn't interfere in that regard at all ?—A. Not unless I saw it was necessary.

Q. Well, did you see it necessary to interfere there; did you interfere there ?—A. No, sir; I was only there trying to prevent disturbance.

Q. And as long as there was no actual beating of these colored men you did not interfere ?

By Mr. DONOVAN :

Q. Did you see anybody try to get in at the window ?—A. I did not.
Mr. POLLARD. I object to that question; I don't think it is right or proper for the gentleman to inject his questions here. I now will wait until he is through with his witness.

Mr. DONOVAN. I am through for the present, until you try again to make an inference on the record that there was a fight there, although actual laying on of violent hands took place; this officer has repeatedly told you that he saw no disturbance there; nothing above a little arguing, such as is usual at all elections, during the entire time that he was there. The imaginary fight that you are trying to saddle on that precinct is discredited and denied by a multitude of witnesses.

By Mr. POLLARD :

Q. Now, if the notary will read my question to the witness again, and if the gentleman will keep quiet we will proceed.

(Question read as follows: And as long as there was no actual beating of these colored men you did not interfere ?)

A. The marshals generally took their stand close to the polls; and I stood—that is myself and the other officer—stood a piece away from there. They were watching the polls, so we had no use to interfere.

Q. You were off some hundred yards ?—A. No, sir; not so far.

Q. How far off were you ?—A. It might have been from ten to fifteen feet—twenty feet probably—occasionally; going backwards and forwards.

Q. You were detailed for the fourth district, were you not ?—A. Yes, sir.

Q. Do you know what occasioned the increase of the force at that precinct ?

WITNESS. The increase of the force ?

COUNSEL. Yes.

WITNESS. How do you mean?

COUNSEL. I mean exactly what I say.

70 WITNESS. Well, you mean how many members?

Q. I asked you if you knew what occasioned that detail, and thereby to increase the force at that polling precinct?—A. No, sir; I do not know.

Q. During the day there were three or four different police officers—policemen there?—A. Yes, sir.

Q. How many were there at these other polls which you visited; while you were there, how many policemen were there?—A. While I was there, there was but one.

Q. I wish you would tell me where this polling place was located that you have been talking about this afternoon.—A. It is on—which one do you mean—No. 39?

Q. Yes, 39.—A. That was on the east side of Broadway, between Lebaume and Hempstead.

Q. That is one of the worst polls in the city of Saint Louis, is it not?—A. I don't know; it is the first time that ever I was sent there; I have been down there, but never on duty.

Q. How far was your place of duty from this poll?

WITNESS. Do you mean my beat?

COUNSEL. Yes.

A. It is about eight blocks, I guess.

Q. Do you know that there were several gangs of men there that day, for the express purpose of deterring the negroes from voting?

A. If there was I don't know it.

Q. Isn't it a fact that you had nothing to do with that part of the business; that was left to the marshals, was it not?—A. I guess so; that is we were there to preserve the peace.

Q. And nothing else?—A. I guess we would be on hand if we saw any wrongful voting, or such as that.

Q. Were you a judge of election?—A. No, sir.

Q. Were you to determine whether there was any wrongful voting or not?—A. I can be called on by the judges, I guess.

Q. Well, were you?—A. No, sir.

Q. When a colored man presented his vote there—a colored voter—who was entitled to vote, a white man would be by who told him that he put that vote in he would be arrested, would you arrest that white man or the colored man?—A. I didn't hear the remarks made.

Q. And you didn't arrest any white man for that—doing the
71 business?—A. I didn't hear any of them remarks.

Q. Did you arrest any white man or colored man that day?
A. No, sir.

Q. Was there any white man arrested there that day?—A. No, sir.

By Mr. DONOVAN:

Q. Was there any colored man arrested there that day?—A. There was one colored man.

Q. By the United States marshal?—A. Yes, sir.

Mr. POLLARD. I will wait till the counsel for the contestee finishes his examination before I will proceed again.

Mr. DONOVAN. I am through for the present.

By Mr. POLLARD:

Q. Who arrested this colored man?—A. It was said it was by one of these United States marshals.

Q. It was said to be one of the United States marshals?—A. I had from hearsay, but whether he was arrested I don't know.

Q. Then you don't know this of your own knowledge, who did arrest him?—A. No, sir.

Q. And you don't know of your own knowledge but that there was only arrested?—A. I am only stating what I seen; I only seen him coming from Broadway.

Q. Do you know how many were arrested there in the morning before he went there?—A. No, sir.

Q. Nor do you know anything about the fight that took place there that morning?—A. No, sir.

Q. Did you see any colored men go inside and register?—A. I seen some colored men inside; whether they registered or not I don't know.

Q. You don't know that they were refused registration, do you?—A. I do not know that.

Q. You don't know whether these colored men who were threatened and challenged there were legal voters or not?

Mr. DONOVAN. I object to that question, for the reason that the gentleman has stated that there wasn't anybody threatened at that polling that day.

A. I don't know of any threatening.

By Mr. POLLARD:

Q. Did you not answer that question before?—A. I meant to answer that I didn't hear any threatening; I don't know whether they were legal voters or not; as far as that question went in regard to their being legal voters, I don't know anything about that.

Signature waived.

THOMAS GROSS, produced, sworn, and examined on the part of the testee, on his oath testified as follows:

By Mr. DONOVAN:

Question. Your full name?—Answer. Thomas Gross.

Q. How old are you, Mr. Gross?—A. 36.

Q. Do you know a man by the name of John Haskins, a colored man?

A. No, sir; I know Henry Haskins; that is the way he is known to.

Q. What business was he engaged in in regard to this political contest?—A. Well, all that I know is that I saw him up on—I met him, here, in the grocery store at Eighth and Morgan about six or eight weeks ago; and he asked me if I had voted at the previous election, and I told him yes; he said if I hadn't—he mentioned some place, I think on Fifth and Olive streets—some place where I could get six bits and I would go and say that I hadn't voted—go there and swear to it.

Q. Go there and swear to it?—A. Yes, sir; that I hadn't voted.

Q. Or not allowed to vote?—A. Yes, sir.

Q. Do you know a colored man named McGee?—A. Yes, sir.

Q. What was he doing in relation to this contest?—A. Well, all that I know of his doing is that he went and swore that he hadn't voted; and I told me that he had sworn that way.

Mr. POLLARD. I object to any hearsay testimony. What an individual told this witnesses what he had or hadn't done, is incompetent testimony.

By Mr. DONOVAN:

Do you know how often either of these colored men swore?

Mr. POLLARD. Speak of your own knowledge.

A. I do not know.

By Mr. DONOVAN:

Q. What did they say in regard to it?—A. This man M that he had got six bits——

Mr. POLLARD. I object to that question, because it is in and the gentleman well knows it.

WITNESS. (Continuing previous answer)—and he said th row he was going to get six bits more.

By Mr. DONOVAN:

Q. Did he say what he got the money for?

Mr. POLLARD. I object again to the question, for the reason incompetent and because it is an improper method of obtain mony in this case, and only such as can be expected of a city apprehend; it is hearsay.

A. He said he got it for swearing that he didn't vote.

By Mr. DONOVAN:

Q. Or was not allowed to vote?

Mr. POLLARD. I object to the question, because it is leadi putting into the witness's mouth the very answer desired.

A. The remark that he made was that he swore that he d at all.

By Mr. DONOVAN:

Q. For Sessinghaus?—A. He did not say that; I don't th of them said that; they just simply said that they could n swore that they didn't vote.

Q. He said he was going to go and earn another seventy-f

Mr. POLLARD. I object to that because that is not the wa ness answered it.

A. That is what he said.

Mr. POLLARD. Said what?

74 A. That he were going back to-morrow and get a bits.

By Mr. DONOVAN:

Q. Do you know whether Haskins was receiving money ming up colored testimony?

Mr. POLLARD. I object to that, because it is irrelevant an rial.

A. He said that he got a quarter of a dollar for every m could take up there that swore they hadn't voted.

By Mr. DONOVAN:

Q. He got twenty-five cents a head?—A. Yes, sir; he sa that for every man he could bring up there that way.

Q. He tried to get you to go up there?

Mr. POLLARD. I object to that question.

A. He didn't particularly persuade me; that is just how he it to me—that he would get twenty-five cents for every ma would take up there who swore they didn't vote.

By Mr. DONOVAN:

Q. Although he knew you had voted?—A. Yes, sir.

Cross-examination by Mr. POLLARD :

Q. Did he know that you had voted ?—A. He knowed that, because he asked me, and I told him "yes."

Q. Then he didn't obtain your vote ?—A. No, sir.

Q. He wanted to know if you had voted ?—A. Yes, sir.

Q. And when you told him that you had voted, he had no more to say ?—A. Not concerning myself he hadn't.

Q. He didn't want anybody to go there and testify false, but that they had improperly refused their votes when they went to the polls to vote ?—A. No, sir ; he didn't say that ; he wanted men that did not vote.

Q. All that he was after was to hunt up men—colored men—who were legal voters and had been refused the privilege of voting when they had presented themselves at the polls on election day in November ?

Mr. DONOVAN. I object to the question ; and I must caution the witness right here against saying "yes" to the long-winded questions of Mr. Pollard ; he must think over the question—all that it is composed of, and then tell the truth as far as he knows it.

Mr. POLLARD. I object to the gentleman's caution and to his instructions to the witness. The witness has testified in regard to a lot of hearsay testimony, and I apprehend that I have a right to find out how much reliance there is to be placed on the statements made by him. I want to see what he knows of his own knowledge, and nothing else.

WITNESS. Well, all the gentleman demonstrated was that he was engaged in this particular thing. He just simply said to me, as I have said to you, that if I hadn't voted, he could go with me to some place on Olive and Fifth streets, and I could get six bits for swearing that I hadn't voted. He didn't demonstrate the fact any more than that all of us was to swear just that way.

Q. He didn't want you or any of these other men to go up there and swear to a lie. When he found out that you had voted, he told you distinctly, did he not, that you could not be a witness in this case ?—A. Well, after I told him that I had voted, he didn't insist upon it any more.

Q. Negroes were the only class of people that he wanted to find, were they not ? Now, listen to the question and be sure that you answer it correctly ; the only class of people that he wanted to find as witnesses were those colored people who were entitled to vote, who went to the polls, and whose votes were refused ?—A. No, sir ; there never was so many ; there was only three or four of us. He didn't demonstrate this to me particular. He give it to the others too ; it was sort of general. He told it to all of them. The clerk of the grocery store heard it.

Q. He referred, then, not only to colored people, but also to white people ?—A. No, sir ; he never distinctly said.

Q. If the men had been improperly refused their right to vote, he said he could take them to a place where they could swear to that state of facts and get six bits for so doing ?—A. Yes, sir ; that is, the voters that didn't vote.

Q. Where does this man Henry Haskins live ?—A. Well, I think he lives in the alley, now, between Eighth and Ninth street.

Q. Has he got any alias ; that is, is he called by any other name ?—A. Yes, sir ; he goes by the name of "Greenback ;" but his original right name is Haskins.

Q. Is he sometimes known as the "Cricket?"—A. I have never heard him called by that name.

Q. Is he ever known as Jerry Clark?—A. I never known him that name.

Q. Are you intimately acquainted with him?—A. I have known him, sir, about fifteen years.

76 Q. How far do you live from him?—A. About a square.

Q. Have you ever been at his house?—A. Never have.

Q. Has he been at your house?—A. He has.

Q. He is usually known by the name of Henry Haskins?—A. Yes, sir; either by that name or by his nickname; he is called "Greenback" more or less.

Q. You never knew him to be called John Haskell?—A. No, sir, never did.

Q. Where does this man McGee live?—A. Well, I could'n't say where he lives; all that I know about him is that I have known him for thek—I have known him to be around that grocery where I have bought my stuffs for the last three years, on Eighth and Morgan.

Q. Is there any peculiarity about the speech of Mr. McGee?—Well, no.

Q. Doesn't he stutter or stammer in his speech?—A. Yes, sir; does a little.

Q. Where was that conversation with McGee?—A. It was in Belcor's grocery, 801 Morgan street.

Q. When was that conversation with him?—A. It was—I could tell exactly the date; it is about six or eight weeks ago.

Q. What month was it in?—A. It was in January; I wouldn't positively whether it was in January or February.

Q. Or March?—A. No; it was before March, I am satisfied.

Q. Who was present when you had this talk with McGee?—A. and Haskins were there; and the two clerks of the grocery; I don't know their last names; one is named Edward, and the other John. I don't know the other names.

Q. Are they colored boys?—A. No, sir; they are white boys.

Q. They are bar-keepers there at 801 Morgan street?—A. Yes, sir.

Q. In Belcor's saloon?—A. Becor's grocery store.

Q. Is it a grocery store or a saloon?—A. It is a grocery store.

Q. With a saloon in the rear of it?—A. Yes, sir.

Q. Where did you tell me this man Henry Haskins lived?—A. lives between Eighth and Ninth streets and between Morgan and Franklin avenues.

Q. In they alley?—A. Yes, sir.

77 Q. Which way does the alley run?—A. It runs from Morgan street; it runs, I believe, to O'Fallon street.

Q. It runs north and south?—A. Yes, sir.

Q. What kind of a looking man is this Haskins?—A. He is a k spare-made, dark-complected man.

Q. Very black man?—A. Very black man; yes, sir.

Q. Little stoop-shouldered?—A. Yes, sir.

Q. What is his business?—A. Well, he is a fireman on the river believe.

Q. Do you know what boat he is at work on?—A. I know the k boat he was on.

Q. What was that?—A. That was the John A. Scudder.

Q. Where was that conversation with Haskins had?—A. At the same place, 801 Morgan street.

Q. At the same place as the other one?—A. Yes, sir.

Q. At the same time that you had this conversation with McGee?—A. No, it was not the same time; it was the day afterwards; or a couple of days afterwards.

Q. Who were present when that conversation was had?

WITNESS. Between me and Haskins?

COUNSEL. Yes, sir.

A. These two gentlemen that I have just spoken about.

Q. The same people were all there?—A. Yes, sir.

Q. Was McGee there at the same time?—A. No, I don't know that he was present when Haskins and me had that conversation together.

Q. But these two were there—these two boys Edward and Johnnie?

—A. Yes, sir.

Q. The clerks in the store?—A. Yes, sir.

Q. Or saloon, whichever you are a mind to call it?—A. Yes, sir.

Q. Now, Mr. Gross, what is your business?—A. Fireman on the river.

Q. Where do you reside?—A. I live now between Seventh and Eighth street and between Franklin avenue and Morgan street.

Q. What boat are you firing on?—A. The last boat I was on was the Emma C. Elliott.

Q. When did she come in?—A. Last Monday was a week.

Q. What have you been doing since?—A. I haven't been doing anything.

Q. How long were you on her?—A. About two weeks.

Q. Who is the master of that boat?—A. The captain I am not acquainted with; I don't know.

78 Q. Who is the first mate?—A. I do not know, sir.

Q. Who is the engineer?—A. Mr. Pat. Baker—no; not Pat. Baker; it was Mr.—I disremember the gentleman's name now.

Q. Who is the pilot?—A. The pilot is something I never was acquainted with on any boat; I don't know.

Q. Do you know who the clerk is?—A. No, sir.

Q. Nor the barkeeper?—A. No, sir.

Q. And you don't know the name of a single party connected with that boat?—A. No; I don't remember of any now, outside of the steward, at this present time; I disremember the engineer—what his name is; I was not personally acquainted with him; I was only with him about two weeks.

Q. Where did you go on that trip?

WITNESS. Which do you mean; the last?

COUNSEL. Yes.—A. She makes three trips every week; every trip we went up to Grand Tower.

Q. Is she still running?—A. She was yesterday, to my knowledge.

Q. Why did you leave her?—A. I was not very well; I was not able to do the work.

Q. What boat were you on before you were on that one—before you were on the Emma C. Elliott?—A. On the Mattie Bell.

Q. Where does she run?—A. To Portland, Mo.

Q. How long were you on the Mattie Bell?—A. I was on her about five months.

Q. Do you know who the captain of the Mattie Bell is?—A. Yes, sir.

Q. What is his name?—A. At that time when I was on it his name was William Ball.

Q. Do you know where Mr. Ball lives?—A. I do not; I Saint Louis; I don't know what place—what part of it.

Q. Were you firing on that boat?—A. I was.

Q. Now, Mr. McGee told you, did he not, that he did not last election, in November, and that he had been somewhere on Olive street, and sworn to that fact that he did not vote, and permitted to vote, and had received seventy-five cents?—A. He didn't tell me whether he had voted or not; in fact I was telling me individually, but he spoke it in my presence.

Q. Telling it to the others that he was receiving seventy cents? Who was he telling this to?—A. He was telling all that were there present. These two gentlemen were at least one of them was right by.

Q. Which one?—A. Mr. Edward.

Q. That is only his given name—Edward?—A. Yes, sir.

Q. Well, what was he telling him?—A. He told him that he had received seventy-five cents for swearing that he did not vote, and was going back to-morrow and see if he could get another seventy-five cents.

Q. And see if he could get another seventy-five cents?—A.

Q. Did he say anything else?—A. That is all he said that I heard.

Q. He didn't tell you that he had voted at the last election?—A. He didn't tell me whether he voted or not.

Q. He didn't tell you whether he had sworn to a lie when he was on the stand?—A. No, sir.

Q. He didn't tell you that he had committed perjury; that he intended again to commit perjury?—A. No, sir; didn't make any statement as that.

Q. He didn't tell anything more than what you have said, sir.

Q. He did not then tell you that he was going back to swear but that he expected—

WITNESS. (Interrupting.) He didn't say whether he was going to swear or not.

Q. But that he expected to get seventy-five cents?—A. He was going to see if he could get another seventy-five cents.

Q. He didn't then tell you where he was going to get it, or what?—A. No, sir.

Q. And you don't know, of your own knowledge?—A. No.

Q. All that you know is his statement that he had been somewhere on Olive street and had received seventy-five cents, and was going next day to see if he could get another seventy-five cents?—A. Yes, sir.

Q. And he was talking to some other men and not to you at that time?—A. He was talking to no one in particular; he was in conversation with no one in particular; we were all present; he was talking to my name particularly; but I suppose the conversation was to me as to anybody else.

By Mr. DONOVAN :

Q. Do you know how many seventy-five cents McGee made in his herd?

80 Mr. POLLARD. I object to the question, because the witness has already stated that he has told every word that McGee said; and he said it repeatedly, that he had told over

ords; now, this is an attempt on the part of the contestee's counsel make his own witness swear to something different from what he has ready sworn to.

By Mr. DONOVAN:

Q. Did he tell you how much money he had made bringing witnesses, each and every one of whom he received twenty-five cents?—A. I never heard him make any statement.

Q. Mr. Haskins—did he tell you how much he had made at twenty-five cents a head for bringing colored people up to the office on Olive street to be sworn in this case?—A. I said that Mr. Haskins made that statement to me; that he was getting a quarter apiece for bringing up witnesses to this Olive street place; that they was owing him a dollar now. He said he was going up to get it.

Q. How long was Mr. Haskins engaged in that business?

A. To my knowledge?

COUNSEL. Yes; or from any information received from him?

A. All I know is three or four days; that is what I suppose from my conversation with Mr. Haskins, that he was engaged that length of time; I know that, too, of my own knowledge.

By Mr. POLLARD:

Q. Do you know what name Haskins gave when he first went on the stand?—A. I do not.

Q. Do you know what name McGee gave when he first went on the stand?—A. I do not, sir.

Q. You don't know whether either of them went on the stand more than once; in fact you don't know that either of them went on the stand at all except what they told you?—A. They didn't tell me that they had been on the stand but once; all I know is what they told me.

Q. And neither of them told you that they had been on the witness stand more than once?—A. No, sir.

Q. And neither of them told you that they had done any lying in the depositions at all?—A. No, sir; they didn't.

Signature waived.

ANDREW REEVES, produced, sworn, and examined on the part of the contestee, deposeeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name?—Answer. Andrew Reeves.

Q. Do you know Jesse Woods who was on the stand the other day and testified in regard to one Lewis, this man Haskins, and a man by the name of McGee?

Mr. POLLARD. I object to the question, because it is immaterial whether he knows or not; and because the question is an endeavor to make the witness swear that he knows Woods, who was on the stand, when he doesn't know any such thing, because this witness was not there, and did not, therefore, see him.

A. I know Mr. Jesse Woods.

By Mr. DONOVAN:

Q. Were you present with him when he was conversing with Mr. Lewis, in the neighborhood of the Four Courts?

Mr. POLLARD. I object to that question for the reason that it is incompetent, and because it is absolutely and wholly improper; the counsel for the contestee himself admits and has repeatedly admitted that

he knows it to be incompetent testimony, but finding himself with material evidence he is obliged to make a showing of something, hence fills his record with this kind of stuff.

A. Yes, sir; I was present at the time when he was down there had the conversation.

By Mr. DONOVAN:

Q. At the Four Courts?—A. Yes, sir; just opposite to the Courts.

Q. About what hour in the day was that?—A. Well, sir, I guess got down there between eleven and twelve o'clock.

Q. What day was it on?—A. It was on Saturday.

Q. How long ago?—A. It couldn't have been over two weeks it was before the election.

Q. About the time of the assembling of the Republican convention?—A. Yes, sir.

Mr. POLLARD. I object to that question because it is leading.

By Mr. DONOVAN:

Q. Was Mr. Lewis informing Mr. Woods as to how he conducted his business as a Sessinghaus employé?

82 Mr. POLLARD. I object to the question, for the reason that it attempt to impeach his own witness; and because it is an attempt to perjure his own witness; and because it is incompetent; and because he desires to break down the testimony of any and every colored whom he brings on to the stand; and because he will attempt to break down the testimony of this witness, and make him perjure himself; because in the testimony of Mr. Woods he said this man was not present and did not hear the conversation; now he wants to break down the testimony of Woods.

Mr. DONOVAN. I object to the threatening manner and loud boisterous language of Mr. Pollard in making that objection; he says that his statements are not founded on fact, and he endeavors to intimidate this witness, and keep him from telling the truth, and the simple facts within his knowledge.

Mr. POLLARD. I am not endeavoring to intimidate the witness, keep him from telling the simple facts in the case; I am simply objecting to the introduction of testimony in this case which the gentleman well knows and has repeatedly admitted to be incompetent; and I object to the introduction of witnesses here by the contestee to prove his prior witnesses were liars and perjurers.

Mr. DONOVAN. This is but a repetition of his former statement, has no foundation whatsoever in fact; and they are made for the purpose of preventing this witness from telling the simple facts which may have fallen beneath his notice.

Mr. POLLARD. I have made my objection for no such object and the gentleman well knows it; the counsel representing the contestee knows that he brought a colored man on the witness stand and his testimony was received in this case, he then brought another colored man, whom he had employed for the purpose, as the man himself swore, to perjure his first witness, and to get him punished for the offense; now, he has brought another witness on the stand and is endeavoring to cause him to perjure his second colored witness.

By Mr. DONOVAN:

Q. Did Jesse Woods and Lewis have a conversation in your presence near the Four Courts about two weeks ago?—A. Yes, sir; they did.

Q. Were you present during all or a portion of it?—A. I was present during all of it, but paid very little attention to it.

Q. What was the nature of this conversation?

r. POLLARD. I object to this question, because it is incompetent, because his own witness, Mr. Woods, swore that this witness did hear this conversation.

By Mr. DONOVAN:

. What was the nature of this conversation?—A. The conversation was between those two gentlemen there, Mr. Lewis said—he had been talking about the election previous to this—and he said that he made some money at the election but didn't make very much out one side, so he had made money both ways; and that he had made money by getting men and taking them up to swear that they were not wed to vote.

. Did he say how many he had brought up?—A. He did not. He not say how many.

. Where did he say he got these men that he brought up there, or where he got to swear that they were refused the privilege of voting?—He said something about taking a good many from Christy avenue, block 719—some of them, and some from one place and some from there; some from Morgan street.

. Neither 719 Christy avenue, nor Morgan street, is within the third congressional district, is it?—A. I don't know whether it is or not.

. From whose house on Morgan street did he get the men for these red witnesses?

By Mr. POLLARD:

. Speak of your own knowledge if you know, if you don't know so.—A. It was in the rear of Ed. Nora's saloon; I don't know the number of it exactly.

By Mr. DONOVAN:

About how many did he say he got from there?—A. He said he thought he have gotten thirty-five or forty; perhaps, maybe as many as

. Where is Ed. Nora's saloon?—A. Between Seventh and Eighth streets; I guess it is.

On what street?—A. On Morgan street.

. Do you know how far south of the southern boundary line of the first Congressional district?—A. No, sir; I do not know.

. You know where Wash street is, do you not?—A. Yes, sir.

. How far south is Morgan street from Wash street?

WITNESS. They both run one way, don't they?

. How far south is one street from the other?—A. Why, it is three streets between.

Q. He stated that he got thirty-five or forty colored men out of one saloon there?

r. POLLARD. I object to the question for the reason that it is not leading but it is wholly incompetent.

. Yes, sir; that is what he said.

By Mr. DONOVAN:

. Did he say how much a head he got for them?—A. Yes, sir.

r. POLLARD. I object to that question, for the reason that it is improper and incompetent.

By Mr. DONOVAN:

. How much a head was paid?

Mr. POLLARD. I object to the question for the reason that it is competent.

A. He said he was paid from fifty to seventy-five cents; for some so much; may be a quarter.

By Mr. DONOVAN:

Q. Where else did he say that he got a crowd of colored witnesses from, if he stated any other place?

Mr. POLLARD. I object to that question, for the reason that it is competent, and it is only hearsay testimony; we have had the identical witness on the stand who swore that every word that this man says, in substance, is a lie.

A. I disremember whether he stated any other places or not.

By Mr. DONOVAN:

Q. Did he say anything in regard to Williams's boarding-house Seventh street?

Mr. POLLARD. I object to that question for the reason that the witness has stated that he remembers nothing further.

A. I don't remember about Williams's place; I don't know what Williams's place is; I didn't hear him speak about Williams's place.

By Mr. DONOVAN:

Q. You didn't hear him mention Williams' name?—A. Yes; I heard him speak about Williams, but I was paying no attention to him then at that time; I remember his talking about it, though.

Q. Well, at this time, in this conversation, he informed Mr. Williams how many colored witnesses he got from Williams' place?

85 Mr. POLLARD. I object to that question, for the reason that it is incompetent.

A. That was the conversation at that time.

By Mr. DONOVAN:

Q. You heard that much of it?

Mr. POLLARD. I object to that, because it is leading.

A. Yes, sir.

By Mr. DONOVAN:

Q. What did he say in regard to drilling any witnesses, as to their swearing to anything? Tell us what you heard in that regard.

Mr. POLLARD. I object to that, because it is wholly improper and incompetent; because it is only an attempt on the part of the contestant to impeach his own witness.

A. Well, I think that he said there was a lot of them would all come together, and they would go to drilling them how to act.

By Mr. DONOVAN:

Q. What to say?—A. Yes, sir; what to say in this case.

Q. Do you know what place they were taken to?—A. I don't know, sir, what place they were taken to.

Q. Was anything said in regard to these colored men by him or others, that they would not be harmed if they went up and saw that they would not be arrested?

Mr. POLLARD. I object to that question, as incompetent and leading.

A. Yes, sir; I understood that he said that he told them they need be no ways uneasy about it; that it would be all right; they should go up there, and they wouldn't be harmed even to a hair; or something of that kind.

Cross-examination by Mr. POLLARD:

How old are you?—A. I was born in 1844.

How old are you?—A. I am now thirty-six years old; that would be it.

You don't seem to me to be over seventeen?—A. Yes, sir; I was in 1844; that is what they tell me; I don't know that, of course.

Q. How long have you been living in Saint Louis?—A. Well, I have been in Saint Louis now this time—that is, I haven't been here recently—not for over two months.

Where have you been?—A. Well, I have been in Nashville; I been in Chicago, and one place or another. I have been sick for a while.

What is your business?—A. I am a whitewasher when I am able to work.

Where do you live?—A. I live on North Eleventh street, I guess; between Carr and Biddle, I guess it is.

Which side of the street?—A. I live on the south side.

Which way does Eleventh street run?—A. Eleventh street runs—I don't know; it has been so long; it runs this way, though.

By Mr. DONOVAN:

North and south?—A. Yes, sir.

By Mr. POLLARD:

You made that answer at the solicitation of the contestee's counsel, did you not, and by his instruction?—A. No, sir; I know it runs that way.

Didn't he tell you to say that it runs north and south?—A. Everybody knows that as well as I know.

Didn't you hear him say so just now?—A. Yes, sir; I heard him say so.

And you live on the south side of the street?—A. Yes, sir.

And you have been here now about two months?—A. Yes, sir;

When did you come here this last time?—A. I couldn't tell you that; in the month of February.

What portion of February?—A. I couldn't tell exactly the day; I suppose it was along about the first of February.

Where did you come from directly here?—A. From Chicago.

How long were you in Chicago?—A. I have been in Chicago for the last two or three years; I have been around here every now and then; I go there pretty often. I am sick now. I have been around at one of my brothers.

Do you live with one of your brothers here in the city?—A. No, I don't live with him; I stop at his mother-in-law's.

How long have you known Mr. Jesse Woods?—A. Well, I couldn't tell exactly how long I have known him, but it is a good while.

Q. What is his business?—A. He keeps—he 'tends bar at his brother-in-law's, I guess; his brother-in-law's is Ed. Nora's saloon.

Where is that place?—A. It is on Morgan street, between Seventh and Eighth street.

Which side of Morgan street?—A. On the south side.

Where did you see him on that day that you heard this conversation with Lewis?—A. I came to the saloon, and him and I went—he came down to the courts, and we went together.

What did you go there for?—A. I don't know what his business was; he had some business at the Four Courts.

Q. What time did you go there with him?—A. I guess, as near as I can come to it, it was between eleven and twelve o'clock.

Q. You went up in the court, he to transact some business?—A. He didn't find the persons he wanted, so he came back to the opposite side.

Q. He went up to J. Milton Turner's office?—A. Yes, sir; I guess that was the place.

Q. How long were you there?—A. We staid there some time.

Q. Two or three hours?—A. Yes, sir; about there; somewheres near there.

Q. Then where did you go?—A. I came down town then—this way.

Q. Where did you go then?—A. We knocked around awhile, and then went back to the court; then, when we went back, we met Lewis; in the morning we met him and began talking at the Four Courts.

Q. Then Woods had this conversation before you went to the Four Courts?—A. No, sir; we went up there first; Milton Turner was not in; then we came back from the courts, and was setting down there waiting for Jerry to come, and this conversation took place right there—

Q. Waiting for Jerry? Who is Jerry?—A. Jerry Milton Turner—they call him.

Q. And while you were waiting at J. Milton Turner's office you had this conversation?—A. Yes, sir.

Q. With Lewis?—A. Yes, sir.

Q. Where was this conversation?—A. It was in the office there.

Q. In Turner's office?—A. Yes, sir.

Q. Every word of it?—A. No; not every word of it. We were setting around there, and we went down and got some beer, it seemed to me, whilst we were having this conversation—whilst this conversation was going on.

Q. You went down with Woods and Lewis and got the beer?—A. Yes, sir; I went down with them and got some beer.

Q. Who paid for the beer?—A. Woods paid for it, I think, if I am mistaken.

Q. How many glasses did you get?—A. I think we got four glasses—three of us; and, I think, there was somebody else come in; there were four of them, I guess.

Q. Then, did you go back to Turner's office and finish your conversation?—A. Yes, sir.

Q. Your conversation was finished up there?—A. Yes, sir; they were talking.

Q. Now, I want to know where it was that you heard Lewis making these statements?

WITNESS. Where was it at?

COUNSEL. Yes.

A. It was in the office.

Q. In Turner's office?—A. Yes, sir.

Q. Now, will you please tell me what you heard Lewis say there that day, and all of it?—A. Well, sir, to tell you what I heard him say—I heard him say—he says he made some money out of that election, and made some out of it both ways. "I made some money out of it this way," he says, "when I got some negroes to go down there and swear that they were not allowed to vote;" and, says he, "I made some money out of it the other way."

Q. Did he say that he got these colored men to go up there and swear to a lie for Frost?—A. He was not conversing with me.

Q. Did he tell Woods that he got men to go down to some place that he mentioned and swear to a lie for Frost?—A. He did not say.

But they were talking in your presence; he said he had made on both sides of the case?—A. Yes, sir; he did.

What else did he say; tell it all?—A. He went on to say that he st—that he went around and taking names of men from certain—I couldn't tell all those places; and he said that he got those, that he got about a hundred or a hundred and fifty names, some of that kind; I forget the exact number, how many there were. Well, go on.—A. I don't know any more about it; that is all he

That is every word that he said, which you heard?—A. That is all I have heard.

Now, have you, in answer to this question, told every solitary word Mr. Lewis said there, which you heard?—A. I guess so; I think so.

Q. Every word?—A. All that I know of; yes, sir.

Q. And you were paying particular attention to and listening to—A. No, sir; I were not at first; I did after; their conversation pretty long; but I heard most part of it; that he said that he had money out of it; I didn't pay any attention to it until then. They were merely talking together.

How long did this conversation last? That portion of it which you heard and which you have detailed?

ANSWER. How long did it last?

ANSWER. Yes.

I couldn't tell you how long it lasted, because I did not keep no

Five minutes?—A. Well, that would be no conversation hardly; over that; it was over five minutes.

What portion of it did you hear; did you hear all of it?—A. I heard all of it.

What proportion of the time in which they were talking together did you hear the conversation so as to have it impressed upon your memory, all that you have now stated?—A. Well, sir, I don't understand your question; I heard all of it.

You say they were talking at least five minutes, and you heard all of it?—A. Yes, sir; they were talking more than five minutes but that is all I heard of it; I couldn't tell how much more of it I heard exactly.

That is, you heard them talking about five minutes?—A. I heard them talking longer than that; but I wasn't paying any particular attention to it.

How long were you paying particular attention to it?—A. I was paying attention to it more than three or four minutes, I don't guess. And that is while you were in the office upstairs, waiting for Mr. Frost, was it?—A. Yes, sir; that was the time.

Who else was present besides you and Woods?—A. There were three or four other men; I don't know them; I am not acquainted with them at all; I would know them if I saw them.

Did they listen to this conversation?—A. I couldn't say whether they did or not; I don't think they were paying particular attention to it, they didn't show it.

Were you talking with them?—A. Yes, sir; we were all talking together.

At the same time this conversation was going on?—A. We were all present.

Q. And you were talking with them when this conversation was going on?—A. Yes, sir.

Q. And they could have heard if they had seen fit to listen?—A. Yes, sir; they could.

Q. Were they colored men?—A. Yes, sir.

Q. And you don't know them?—A. I don't know them.

Q. You think that conversation was on one Saturday?—A. Yes, it was on Saturday.

Q. How long ago?—About two weeks ago, I guess.

Q. Two weeks ago last Saturday?—A. Somewheres close about there.

Q. Well, if it was two weeks ago and on a Saturday, it must have been over two weeks ago last Saturday, or is it two weeks next Saturday?—A. Two weeks ago last Saturday.

Q. And that conversation occurred after you had gone to visit Woods at his saloon on Morgan street, and you went with him first there to the Four Courts, and after staying there awhile you had gone to Turner's office, and after staying there awhile you went down and took these four glasses of beer, and went back again into Turner's office on the second floor, where this conversation occurred; is that correct?—A. No, sir.

Q. Very well, then, tell us in what way that is wrong?—A. We came down there and went into Turner's office; we didn't stop there but a moment; we didn't set down; we went over to the court, and then came back to Turner's office, and whilst we were waiting there the conversation occurred.

Q. Then this conversation came up before you went down for beer?—A. Yes, sir.

Q. Every word of it?—A. Every word of it.

Q. Who went back into that office with you after you had been down and drank your beer?—A. I don't know; I know we three went back.

Q. Was any one else up there in the office when you went back?—A. I don't know who they were; but there were folks there; there were two or three men.

Q. The same ones whom you have spoken of before?—A. Yes, sir.

Q. Were those same men up there when you went to Turner's office in the first place?

WITNESS. Were they? Yes, sir.

Q. The same men?—A. Yes, sir.

Q. They were at each and every one of these occasions when you were there?—A. I don't know whether they were there when we went in or not.

Q. You don't know their names?—A. No, sir; I don't know their names.

91 Q. Nor their business?—A. No, sir.

Q. Mr. Jesse Woods is a gambler, is he not?—A. I don't know of his being a gambler; I know he has billiard tables there; he is a barkeeper and works there; I don't know about his being a gambler.

Q. Did Mr. Lewis in that conversation say that he had been on the witness stand as a witness for Mr. Frost in this case?—A. No, sir, I don't remember that; he may have said so; I couldn't say that he did.

Q. He didn't tell you, then, what he had sworn on this witness stand as a witness for Frost?—A. No, sir; he didn't say anything to me.

Q. You have told me in answer to my question every word that

did say there on this subject that you know?—A. That I know; yes, sir.

Q. And all that you heard. You can go.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Wednesday, April 13, 1881, then to be continued at the same place at the hour of nine o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 50.

Pursuant to adjournment as above stated, on the 13th day of Apr 1881, at the hour of nine o'clock in the forenoon, I continued the furth taking of depositions, as follows :

1 JOHN COLLINS, produced, sworn, and examined on the part the contestee, deposeth and saith as follows, to wit :

By Mr. DONOVAN :

Question. Mr. Collins, please give the notary your full name ?—A. My name is John Collins.

Q. Mr. Collins, how old are you ?—A. I am 31 years and 11 mont old.

Q. How long have you lived in the city of Saint Louis ?—A. About seventeen years.

Q. Are you a member of the metropolitan police force of the city of Saint Louis ?—A. Yes, sir.

Q. How long have you been an officer on that force ?—A. Eight year to-day ; I was appointed on the 13th day of April, 1873.

Q. Where were you stationed on election day—the 2d day of last November, 1880 ; at what poll ?—A. I was at No. 1824 Broadway, precinct 39 ; that is in the Fourth ward.

Q. Between what streets is that ?—A. It is between Hempstead and Lebaume, on Broadway.

Q. When did you go there in the morning ?—A. We were ordered there at 6 o'clock ; I was there ten minutes before 6 o'clock.

Q. How long did you remain at that poll on that day—up to what hour ?—A. I remained on the outside from six o'clock until the close, until about seven o'clock ; I believe, anyways until after the polls closed.

Q. You were there, then, all of that day ?—A. Yes, sir.

Q. The charge has been made in this court that there was a great deal of disturbance and a great deal of intimidation practiced on negro voters at that poll ; now, I wish you would state all that you know about that ; just give us a plain statement of the facts as to how the poll was conducted, and how the people surrounding that poll conducted themselves that day.

Mr. POLLARD. I object to the statement which prefaces that question ; the question itself is proper enough, but the statement was evidently made for the purpose of preparing the mind of this witness preparatory to his making his answer to the question.

A. There was no disturbance at the polls.

By Mr. DONOVAN :

2 Q. There was a slight disturbance about a block away, was there not, during a portion of the day ?

Mr. POLLARD. I object to that question, for the reason that it leading.

By Mr. DONOVAN :

Q. Did you see it ; did you see anybody hit ?—A. No, sir ; I did not.

Q. But there was a Democrat hit about a block away from the poll and down on Hempstead street ; did you see that ?

Mr. POLLARD. I object to that question, because the man has distinctly stated that he did not see it ; now, the counsel for the contest wants the witness to swear to an entirely different state of facts.

By Mr. DONOVAN:

Q. Did you come up after the man was hit?—A. I did.

Q. What did you do?—A. I went to the man; his name is Henry Hardwick; he lives at 1701 North Main street, with William Remmert, clerk in the saloon and grocery; it is on the northwest corner of Howard and Main streets.

Q. After you were notified that he was struck by somebody what did you do?—A. I went to Mr. Hardwick and asked him who struck him. He told me he did not know the man who struck him; that he didn't want to be struck again. Says I, "Do you want the man arrested?" He said, "No."

Q. Did you ask him to point out the man that struck him?—A. I did, and he said he didn't want to have anything more to do with it—with that man or anybody else; he didn't want nobody arrested, and he went off home.

Q. Now, was there anything else in the nature of a fight occurring during the entire day at the poll or within a block either way from it?—A. There was no fight at them polls or anywhere else on that day that I seen excepting that disturbance, and that I didn't see; I know nothing about that except what I was told on Hempstead street, between Broadway and Second streets.

Q. Could you see the poll from where this little disturbance took place?—A. I could see the polls, but I couldn't see where the disturbance took place, because I was right at the polls.

Q. But after you were standing where the man claims to have been struck, could you see the polls from that spot?—A. No, sir; because that was around the corner from me, and there was a brick house between us.

3 Q. It was away from the polls?—A. Yes, sir; over a hundred feet or more.

Q. How close did you stand to the poll during that entire day?—A. Well, I was right at the poll during the entire day—that is, within a few feet of it; sometimes right at the window where they were, but certainly never more than fifteen or twenty feet away. I was generally right up at the polls all the time, so that I could see what was going on.

Q. Did you see any man, white or black, struck at that poll during that day?

Mr. POLLARD. I object to that question, because it is leading. The witness ought to be requested to state what he did see.

A. No, sir; there was none struck there; not at the polls, excepting what was done on the other side there, on Hempstead street.

By Mr. DONOVAN:

Q. Which you have already told us about?—A. Yes, sir.

Q. That, then, is the only thing in the nature of a fight that occurred there on that day?—A. That was all.

Q. Did you see a solitary, single voter, white or black, intimidated at that poll on that day?

Mr. POLLARD. I object to that question, because it is leading and putting into the mouth of the witness the answer which the questioner desires.

WITNESS. What do you mean by intimidating?

By Mr. DONOVAN:

Q. Well, I mean a voter who was entitled to cast a vote, who was either driven away or scared away from the poll?—A. No, sir; there was none scared away from there that I seen, nor driven away neither.

Q. Was there any bull-doing of qualified voters at that poll?

WITNESS. What do you mean by bull-doing?

COUNSEL. Well, I mean by that, either hitting, or scaring the threatening them, or driving them away.

A. There was none of that work that I seen.

Q. Did you see any negroes challenged at the poll?—A. Yes, sir.

Q. Were they challenged in the usual way, or was there any extraordinary about the manner in which they were challenged; they treated like any other men coming there—like any other

4 that was challenged at that poll?—A. They were challenged the usual way—the way they are generally challenged on election days.

Q. Just the same as they challenged white men?

Mr. POLLARD. I object to that question, because of its leading ture. If the gentleman wants to testify himself, let him be sworn. then there will be no necessity of leading this witness.

A. They challenged them just the same as they challenged the o whopresented themselves, whether they were white or black. They lenged them this last election, on the fifth of April, just the same Some white men were challenged and some black.

By Mr. DONOVAN:

Q. How did the conduct of affairs at that poll compare with the duct of affairs at polls usually on election days?

Mr. POLLARD. I object to that question, because it is immateria irrelevant, and because the witness has sworn he was at that partic poll all during that day, and consequently knows nothing about conduct at the other polls, except by hearsay.

Mr. DONOVAN. He surely knows what passed on under his nose— der his immediate observation.

WITNESS. It was quieter than at a great many polls that I was other elections.

Q. I believe you have stated that some negro voters were challe at the poll; do you know anything of these negro voters that they thus challenged?—A. Yes, sir.

Q. Did you know where they lived?—A. Yes, sir.

Q. Where did one batch of them live?—A. I seen some of them lived at 1600 North Main street; and some of them lived at 1606 N Main street, and some lived at 1717 North Main street.

Q. Why were those negroes challenged; what was the groun the challenge?—A. That they were not long enough in the city; s as I could understand.

Q. Are these houses on your beat?—A. Yes, sir.

Q. How long have you traveled that beat?

WITNESS. You mean since I was first stationed on it?

COUNSEL. Yes.

A. Since the first day of November, 1874; I believe it was on Su

Q. You have, then, been on the beat about six years?—A. More that.

5 Q. Do you know when those negroes came to live at No. North Main street?—A. I think it was about May or Ap think about May.

Q. Of what year?—A. Last year.

Q. 1880?—A. Yes, sir.

Q. Do you know where they came from?—A. Well, they have me themselves that they come from the South; that is all I know where they come from.

Q. Did they or did they not come up with that band of refugees from South ?

A. POLLARD. I object to that question, because the witness has just distinctly that that was all he knew about their former residence, even that little was told him ; therefore it is palpably incompetent.

By Mr. DONOVAN :

What did they tell you ?

A. POLLARD. I object to that question, because it is totally and palpably incompetent to be put into this record ; it is of the same kind of with which the counsel for the contestee is building up his case beginning to end ; it is stuff and nothing but stuff ; it has no semblance or any appearance of being proper testimony which is admissible in any court, not even a justice of the peace court.

By Mr. DONOVAN :

Now, did these negroes, who were challenged at that poll, tell you themselves as to when they arrived in the city of Saint Louis, and where they came from ?

A. POLLARD. The same objection precisely applies to that question, did to the one preceding it ; that it is palpably incompetent.

They told me they come from the South ; some of them from Louisiana. I believe one of them told me he come from Cairo.

By Mr. DONOVAN :

And in May or April of that year ?

A. POLLARD. I object to that question, for the same reasons as heretofore given.

A. They told me in May.

By Mr. DONOVAN :

Q. Then, they were here but six months before the election ?—A. I couldn't say how long they were here ; but that is what they told me. Was that the grounds of the challenge made at the time they refused to vote, that they were not here in the State one year ?—A. Yes,

Q. Do you know who brought those negroes to the poll ?—A. Well, the morning I didn't pay any attention to who fetched them there, throughout the day I saw Mr. Bensieck and Mr. Judy fetching some of them there. When these negroes come they generally come in a pack ; and some of those would wait a block away or a block and a half away from the polls ; then they would come with one of these men in a drove and try to force them to take their votes. Now, whatever objection or discussion took place between them there, I don't know ; I didn't hear that. I know several of them.

Q. Were any of the negroes intimidated ?

A. POLLARD. I object to the question for reasons repeatedly stated.

By Mr. DONOVAN :

Q. Or bulldozed, or threatened, or hit ?

A. POLLARD. I object to that question for the reason that it is leading and because it is an endeavor to make the witness state matters which are not facts, and which not only the questioner but the witness know are not facts.

Q. There was not a negro hit on that day, that I seen, and I was all at the polls.

H. Mis. 27—154

By Mr. DONOVAN:

Q. What bulldozing, if any, did you see at the poll?

WITNESS. What do you mean by bulldozing?

Q. Well, I mean anything that would be calculated to deter a proper voter from coming there and casting his ballot.—A. No, sir; there was nothing of the kind.

Q. Was there much arguing going on around the polls?—A. Well, there was a little argument; nothing more than usual at the elections.

Q. Who did the principal part of this arguing?—A. There was some of both parties; some of the men that was appointed by these central committees for to keep the peace; they were doing some arguing. I went up and found out who it was. One man's name was Henry or Robert Turner, a fat and stout fellow. I couldn't exactly tell you who he was.

7 Q. Was he the colored United States marshal there?—A. He was the colored United States deputy marshal there.

Q. You think he was doing more arguing there than anybody else?—A. I don't think it at all; I seen it.

Q. How much of it was Mr. Bensieck doing, and Mr. Judy?

Mr. POLLARD. I object to that question, because neither Mr. Bensieck nor Mr. Judy are witnesses here. Notwithstanding the fact that the counsel for the contestee gave notice to produce them here, he has failed and neglected to do so. They are the best witnesses of what they did there themselves; much better than this man.

By Mr. DONOVAN:

Q. Tell us the facts, Officer Collins?

WITNESS. In regard to whom?

Q. In regard to Bensieck and Judy; their conduct at that poll.—A. Well, every time they come to the polls they created more disturbance than anybody I seen come there.

Q. Bensieck and Judy are shining lights of the Republican party, are they not?—A. I don't know anything about their politics.

Q. You think they did more arguing and raised more disturbance than anybody there?—A. They did, as far as I could see, whenever they come there.

Q. How many arrests were made at that poll during the day?—A. There was only one that I seen.

Q. Who was that?—A. His name was Sam. Windom, I believe.

Q. What was he arrested for?—A. Whatever he was arrested for I couldn't exactly tell you, because the orders was from the inside. He was ordered to be arrested by two men that was judges, one from each party. It seems they ordered his arrest. One of these judge's name was Shellhanner, and the other was Callahan.

Q. Did you ascertain, or do you know, why Sam. Windom was arrested?—A. It was something in regard to voting; what part he took in it I couldn't say, because he was on the inside.

Q. In the room?—A. Yes, sir; in the room where the judges of election were.

Q. Did the negroes go in and out of the room during the day just like any other voters?—A. Oh, yes; they were in there several times.

Q. Do you know how many times this man Sam. Windom visited the poll on that day?—A. Well, he was there, but just how often I couldn't exactly tell you.

8 Q. Did he get into the line of voters?—A. He did.

Q. Were there any complaints that he and others that lived at the

place with him, whose cases had been passed upon as not having been in the city a year, were coming there and obstructing the line of qualified voters?

Mr. POLLARD. I object to that as leading, and as putting into the mouth of the witness the statements he desired him to make, because well known to the questioner that the witness will respond "yes" to the question.

Yes, sir; there was several complaints made by different parties.

By Mr. DONOVAN:

How often did you see the same negro get into the line after he passed the window?—A. Well, he had got into the line several times; I couldn't exactly state the number of times; I didn't keep account of that.

This repeated obstruction of the line was a great aggravation to the voters in the same vicinity, was it not?

Mr. POLLARD. I object to the question for the same reason as above stated, because the gentleman well knows that he puts his questions in a shape that the witness will answer him promptly, "yes."

WITNESS. Yes.

Mr. DONOVAN:

Did or did not the negroes remain around the polls all day?—A. Some of them did; in fact, the most of them.

Did or did you not have to remove one negro from the line?

WITNESS. I don't understand you.

My question was, did or did you not have occasion to remove a negro out of that line of voters?—A. I did.

For what reason?—A. Him and a drunken white man come up there, and the white man insisted that his vote should be taken. The negro said he lived on Main street, between Mound and—at any rate, a street that there was no house on.

Do you know who that negro was?—A. Yes, sir.

Q. What was his name?—A. Jo. Bailey.

Q. Where does he live?—A. He lived with a colored woman on Broadway, between Benton and Warren street.

Was the colored woman his wife?—A. No, sir.

Mr. POLLARD. I object to that because the counsel for the contestee very well knew that the witness would say that this woman was not the colored man's wife, when it is patent he can know nothing about it still the committee sees he is willing to swear to it.

By Mr. DONOVAN:

What was her reputation—this colored woman's?—A. Prostitute.

Did he live in the ward?—A. He used to live in the ward.

Do you know when he had moved out of that ward; how long before the election?—A. About three or four weeks.

How often did he get into line?—A. Well, he got in so often that I couldn't exactly tell you—that is, to give you the number of times; he was in there several times in the afternoon, and several times in the morning.

Is that the same man who on his cross-examination stated that he got into the line four different times, and was unwilling to give up until late in the afternoon, and that the last time he got into the line a white man got up to him and told him to get away from there—from the poll—and stay away?

Mr. POLLARD. I object to the question for the reason that I have heretofore stated to questions asked in a similar way ; because the witness will promptly answer " yes " to all such questions ; especially when he asks him a question concerning a matter which he can know nothing about because he was never present when any of the witnesses for the contestant testified ; and because the counsel is reading from a printed book some statements which he had on yesterday evening in regard to colored men who testified in this case.

WITNESS. You ask me if he was the same man ; he was the same man that got into the line several times, and his name was Jo. Bailey.

By Mr. DONOVAN :

Q. From where did you say he gave his residence ?—A. He wanted to vote.

Q. Yes, but from what number ?—A. There is no number there from where he wanted to vote ; it is a chair factory.

Q. Did he reside at 1717 North Main street ?—A. He used to stay there at one time.

10 Q. Did he live there twenty years ?—A. No, sir.

Q. How long, to your knowledge, did he live there ?—A. Well, his wife died about a year and a half ago ; at that time Bailey lived in the rear of 226 Mound street ; I believe that is where he lived.

Q. So if he stated he had been living at 1717 North Main street for twenty years, it was a slight departure from the truth—to your own knowledge ?

Mr. POLLARD. I object to the question, for the very reasons heretofore given, the witness being ever ready and willing to assent to all the propositions which the gentleman chooses to state ; I suggest to the counsel that he simplify matters considerably by asking the witness if every word in that book is not true and have him say " yes " to it, and then afterwards put the book in evidence.

WITNESS. Yes, sir ; this woman that he staid with at her house, 1717 North Main—her name is Mrs. Kemmel ; she is a colored lady.

By Mr. DONOVAN :

Q. Is she a prostitute ?—A. No, sir ; the lady whose reputation is bad is Emma Felt ; he lived with her awhile in the rear of 226 Mound street, in a little room there to my own knowledge ; I was in the house several times and seen them asleep there. A few days ago, last month some time, not noticing Jo. Bailey at 1717 North Main, and being well acquainted with the lady, I asked Mrs. Kemmel how is it if Jo. is living there—

Mr. POLLARD. I object to the voluntary statements of the witness he has answered all the propositions of the counsel for the contestant and it strikes me that not being called upon to make any more, would be quite as well not to make them, especially as he simply desires to tell the evidence and conversations which he had with Jo. Bailey, and even that is not proper testimony in this case.

By Mr. DONOVAN :

Q. My questions are put in this way only to save my own time, as you may go on and state what you were proposing to state in regard to Joseph Bailey.

Mr. POLLARD. I object to that question, because it is incompetent being simply and wholly a statement which is made by this witness some observations which he heard some woman make ; if the contestant

has no other evidence with which to support his case it strikes me that he has a very weak one; for this class of testimony is nonsense, the sheerest nonsense.

A. She said to me right in her own room that Bailey had gone to live again with this Em. Felt, upon Broadway between Benton and Warren streets, on the east side.

By Mr. DONOVAN:

Q. Was there or was there not a single qualified voter, white or black, denied the privilege of voting at that poll on that day?

Mr. POLLARD. I object to that question for the same reasons as heretofore stated; the counsel well knows that the witness will answer "yes" to all.

Mr. DONOVAN. If he answers "yes" to that question it won't be a roper; furthermore I asked him was there or was there not.

A. No, sir; even the colored gentlemen that live in that neighborhood which was known there, they were not interrupted at all; they cast their votes the same as the white men did at that poll on that day; white or black, it was all the same. There was none challenged except those that claimed to come from these houses that I have told you about, who had not lived in the State long enough to entitle them to vote here.

Q. To your knowledge they were not here long enough?—A. No, sir; not living at the place that they claimed to live.

Q. Now, was there any disturbance or any fight there that would intimidate a man; was there any disturbance at that poll other than you have narrated here?—A. I don't understand your question.

(Question read by the notary.)

A. No, sir.

Q. Then the poll was a perfectly peaceable one outside of that little tap on the nose that Mr. Hardwick got?—A. Yes, sir; and that didn't happen at the poll.

Mr. POLLARD. I object to the witness answering that question, for the reasons heretofore given, and because he answered it before I had an opportunity to interject an objection to his eager answer of "yes."

Cross-examination by Mr. POLLARD:

Q. Where do you live, Mr. Collins?—A. 1708 North Tenth street; two rooms and a kitchen; down-stairs, first floor.

12 Q. How long have you lived there?—A. Well, I used to live upstairs. I live in that same house about five and a half years, very near, six.

Q. You are a Democrat, are you not, Mr. Collins?—A. Well, I vote the Democratic ticket, but I vote sometimes for men on the other ticket.

Q. You are an Irishman?—A. Oh, sure.

Mr. DONOVAN. And a good-looking one.

By Mr. POLLARD:

Q. Do you know Mr. Kaiser—Henry Kaiser?

WITNESS. The police officer?

COUNSEL. Yes, sir.

A. Yes, sir.

Q. Was he there at those polls on that day?—A. Part of the day he was.

Q. When did he come there?—A. I think it was in the afternoon. I couldn't exactly tell you; some time in the afternoon, I believe.

Q. About what time?—A. I couldn't tell.

A. Before or after dinner?—A. Well, it was after dinner, I suppose, but how long after I couldn't tell.

Q. You don't know whether it was between twelve and one o'clock or three or four o'clock?—A. I know it was between twelve and one o'clock; but what time it was exact, I couldn't tell you.

Q. You don't know whether it was before or after two o'clock?—A. No, sir; I couldn't tell.

Q. Did he go away from the polls after he came there, before they closed?—A. Well, that I couldn't tell you; there was some of the coming and going; whether he went away or not I couldn't tell.

Q. How many policemen were there that day?—A. I believe there were four part of the time, sometimes two and sometimes three, sometimes only myself. I was the only one that was there when the polls opened. I was there ten minutes before six o'clock.

Q. What other policemen were there besides yourself and Mr. Hersey?—A. Officer Wilson, Kaiser, and I believe there was a man by the name of Kernan came there; he had what they call a precinct to watch on that day; how long he had to stay there I don't know; there was another officer that was across the way that used to come over once in a while; he was at that other poll, that was about two hundred feet so away; it was on the corner of Lebaune and Broadway; on the other side of the street.

13 Q. Were these polls of precinct 39 where you were, on the corner?—A. Well there is a saloon on the corner, and the room where they received the ballots was about—we may say—over two hundred feet or so from the corner, nearly towards the north.

Q. Towards the north?—A. Yes, sir.

Q. On the east side of Broadway?—A. Yes, sir.

Q. What street is that saloon on?—A. It is Hempstead street. The northeast corner of Hempstead and Broadway is where the saloon is, and the room where they received the ballots is just adjoining the saloon; I believe it is twenty feet or a little more in width.

Q. Whose saloon is that?—A. I know the man's name, I will tell you it in a minute—Herminghaus; his first name I don't know.

Q. That is on your beat?—A. No, sir.

Q. Is that where your beat is where these polls were are situated?—A. No, sir.

Q. How far is your beat from there?—A. Two blocks south; Hempstead, Brooklyn, and Mound streets; both run south from Cass avenue to Mound street and east to the river from Broadway; that is my regular beat.

Q. So you were detailed out of your regular beat on that day?—A. There were no polls on my beat that day.

Q. You were detailed out of your regular beat that day and stationed at this poll?—A. Yes, sir.

Q. Do you know whether that poll was on Kaiser's beat?—A. No, sir; it is not on Kaiser's beat.

Q. Who did you say the other officers were that were there at that poll on that day; the other three that were there that you have already named?—A. One was John Wilson.

Q. Was this poll on his beat?—A. No, sir; we have no regular beat on election day; we are liable to be sent to any other place.

Q. What other officer was there?—A. I think I seen this man, he walks this precinct; walks from Cass avenue to North Market, and then to the river to Broadway.

By Mr. DONOVAN:

Q. What do you mean by "precinct?"—A. A quarter of the district; they don't leave the district all open on election day; so they divide it up and give so much territory to each man to walk over on that day, for the purpose of keeping men at the polls.

Mr. POLLARD. When you and the counsel have finished your consultation I will take your answer to my question, if you please. What is the name of this man who walked that precinct?

A. His name was John Kernan.

Q. Who was the other officer that you mentioned?—A. Wilson, a sergeant, and myself; Wilson and Kaiser hung around there during the election; the sergeant called around there several times.

Q. What is his name?—A. His name is Leonard; I think his full name is John Leonard; the captain came there, too.

Q. He is a policeman?—A. He is captain of the police.

Q. Was there any other policeman around there that day?—A. This was the only one that was on the side of the street, at this other poll; he came over there or twice.

Q. What is his name?—A. William Niehaus.

Q. Is there any other policeman that you can think of that came there that day?—A. I believe that is all that I remember.

Q. Over and above these six policemen who were there how many United States marshals were there there?—A. Well, in the morning there was one whose name was Welsh and this Turner; the United States marshal came there with two other men, I believe; I couldn't tell you their names now.

Q. Who was there in the afternoon besides this man Turner; what other marshals; I believe that you said that there was two other United States marshals?—A. They come with those two; I don't know their names; they were white men; they staid there from the time they came there until the polls closed; I think I seen them there.

Q. Do you know this Marshal Welsh?

WITNESS. Do I know him?

COUNSEL. Yes.

A. Yes, sir.

Q. What is his business?—A. His business is—he owns a lot of teams and does the hauling, I believe, or a part of it, of the Mississippi River Works. He has teams running for the transfer company; generally when he gets slack in one place he hires his teams out to other places where he can get a day's work.

Q. There was a United States supervisor there also, was there not?

A. They were on the inside.

Q. Do you know who they were?—A. L. Schellhammer, I believe, was one and Callahan was the other.

Q. Do you know them personally?—A. I know the two of them; yes, sir.

Q. Was there a man named Dugdale there also?—A. I believe there was.

Q. What was his business there?—A. Well, I couldn't exactly tell you; he was in and out the same as the balance; I used to see him go inside there; what right he had there I don't know.

Q. He was around there all day, was he not?—A. I noticed him go away and coming back.

Q. Going inside repeatedly?—A. Well, I seen him going in repeatedly; two or three times or more; I couldn't say exactly how many times he went in.

Q. Will you tell me, Mr. Collins, who the commissioners are—the police commissioners?

WITNESS. At the present time?

COUNSEL. Yes.

A. Well, Mr. Cupples, Mr. Simmons, Mr. Maxon, I believe, Mr. Kinkead, and Mayor Ewing at the present time.

Q. Mayor Ewing is such commissioner by virtue of being mayor; but he was not elected at the time of this November election?—A. No, sir; not at that time he was not.

Q. And at the time of this election to which we now refer, the one which took place in last November, instead of Ewing it was Overstolz, was it not?—A. Yes, sir.

Q. So that last fall they were all Democrats who were on this police board, as they are all now except Mayor Ewing, who holds his office by virtue of being elected by the people mayor?—A. I couldn't tell you what their politics is.

Q. Who were they appointed by?

WITNESS. Which; the police commissioners?

COUNSEL. Yes.

A. They said they were appointed by the governor.

Q. The governor of this State is a Democrat?—A. I don't know; he was elected as one; I couldn't tell whether he was Republican or Democrat.

Q. You know who the governor is, I presume?—A. I have heard his name; Crittenden.

Q. But you don't know whether he is a Democrat or a Republican?—A. Not any more than what I heard; they say he got elected on the Democratic ticket; I voted for him for that myself.

Q. These police commissioners, you don't know whether they are Republican or Democratic?—A. No, sir; I never seen but three of them to my knowledge.

Q. You never heard any one say that they are all Democrats?—A.

Well, that I couldn't say; I am a Democrat.

16 Q. Isn't it a fact well known in this community, of such public notoriety that a policeman ought to know it, if he doesn't, that they are all Democrats?—A. That is true; but we hear a great many things that we are not sure about; I have heard that they are all Democrats.

Q. But it is a fact, notwithstanding, that all these matters are true which you have heard from these various persons about whom you spoke when asked concerning what they had said in answer to the contestee's counsel?

WITNESS. I don't understand what your question is.

Q. I will repeat the question. It is true, is it not, that you are willing to testify to the truth of every matter, whether it was hearsay or within your personal knowledge, about which you were asked by the counsel for the contestee?

WITNESS. In regard to those commissioners?

COUNSEL. No, sir; you were not asked by him about the commissioners, to my recollection.

WITNESS. You referred to them in your last question; that is the way I understood it anyhow.

Q. You do not understand the question?—A. No, sir.

Q. Were you here in attendance yesterday?—A. I was subpoenaed to come here yesterday, and I come.

Q. Were you subpoenaed to come here to-day?—A. The subpoena I

got for myself; by that I was ordered to come here to-day; on account of being out all night and having to stay here yesterday evening—if I had staid here all day I wouldn't have got any sleep.

Q. Who ordered you to be here to-day?

WITNESS. Who ordered me?

COUNSEL. Yes, sir.

A. The gentleman that was out there in the other room; I forget his name now.

Q. Not your superior officer, was it?—A. No, sir; but I told him the reasons why I had to come to-day.

Q. Whereabouts were you stationed on last November election day; I mean how far and in what direction from that poll, 39?—A. I was stationed right at the poll. Sometimes I would be one side of the window and sometimes on the other, and sometimes I went inside.

Q. How far were you from the window during the day?—A. Well, at the time this fuss was on Hempstead street I went down there to see what was the matter.

Q. How far was that away from the polls?—A. Well, from where the window was, where they received the votes, I suppose about twenty feet or more south, and I suppose about a hundred and fifty feet east on Hempstead street; you could not see where the fuss was from the window where they were receiving the ballots, unless you could look through a stone wall.

17 Q. Then it was in the neighborhood of two hundred feet from the polling window?—A. I believe it was in that neighborhood; it may be, or a few feet less; but, as I say, from where the polls were you could not see any of the disturbance except you went twenty feet south—that was the width of this bar-room—or perhaps twenty-five feet; then by looking east on Hempstead street you could see this place.

Q. That disturbance did not originate at the polls, did it?—A. Not that I seen there; no. The first thing I heard of it was that there was a fight around on Hempstead street.

Q. If it had originated at the polls you would have seen it?—A. I believe I would.

Q. And not one bit of difficulty was there about those polls of any description on that day, was there?—A. Not any more than on any other day—any other election day—talking and arguing; nothing to create a disturbance.

Q. There was not a single colored man threatened with arrest that day, was there, at that poll?

WITNESS. Threatened with arrest. What do you mean by threatened with arrest?

Q. I mean exactly what I say; I can't make it any plainer. You do not understand the question?—A. Yes, sir.

Q. There was only one man arrested there that day, and only one man, you say?—A. That was all.

Q. And what he was arrested for you don't know?—A. No, sir; only what I heard; he was arrested from the inside.

Q. Who told you that?—A. I heard them talking about it; it was the talk that a man was arrested; they even asked me to arrest him, but I wouldn't do it.

Q. Who asked you?—A. I forget now.

Q. Some one inside?—A. I couldn't answer that question; I don't remember whether it was from the inside or the outside; they were calling to arrest the man.

By Mr. DONOVAN:

Q. This was this colored man that they wanted you to arrest?—A. Yes, sir; Sam Windom.

Mr. POLLARD. When the contestee's counsel gets through with his examination we will proceed. Is the gentleman done? I don't desire to infringe upon his time. Are you through? You are the most inconsistent man I ever saw. Quite ready are you? Waste as much of your time as you possibly can.

Mr. DONOVAN. Why don't you stop this foolishness? I simply asked him, for your own accommodation, whether this was the same negro that he refused to arrest at that poll; he answers that it is the same negro, Sam Windom, and I had nothing more to say; pray don't make yourself ridiculous in the record.

Mr. POLLARD. We will proceed then; I am obliged to the gentleman for his assistance.

Q. Who made the arrest of this man Windom?—A. A man by the name of Walsh.

Q. What was his business there that day?—A. He claimed to be a deputy marshal, I believe.

Q. He is the gentleman who you testified about as having his own teams?—A. Yes, sir; he owns teams.

Q. He is an Irishman, too?—A. I don't know; I got acquainted with him in this city; the name is Irish.

Q. He is a Democrat, is he not?—A. He may and may not be; I don't know that.

Q. Isn't it a fact well known to you that he is a prominent Democratic politician, and elected by the Democrats to office from the Fourth ward?—A. I never knowed the man to be elected to any office.

Q. Were you inside the polls that day?—A. Yes, sir.

Q. How often?—A. I couldn't tell how often I was in there; I was in there after they stopped receiving votes and took the count, and took it up to the office—took them from the polls to Chestnut street station; what was done with it after that I don't know.

Q. You took the ballots to the station?—A. Not the ballots; no, sir.

Q. The count?—A. The count, the number.

Q. You were in there when they were making that count?—A. I was in there when they counted the ballots and put down each man's name, that is, the number of votes they got; we had a form that we filled out and took to the office; they kept the ballots; we didn't have nothing to do with that.

Q. Did you vote there that day, at that poll?—A. No, sir.

Q. Did you vote in this district, the third Congressional district?—A. Yes, sir.

Q. You voted for the contestee, Mr. Frost?—A. Yes, sir.

19 Q. Did you assist in counting those ballots that evening?—A.

It is my place to see that nobody is cheated, or any man's name put down who was not voted for; I didn't assist at all; I stood by and watched and saw that all went on all right; I watched to see if they put down the count right; after that I went out.

Q. If they didn't do that right it was your business to correct them?—A. It was my business to see that they did no wrong; if I seen them doing wrong I would have the right there to interfere.

Q. And you did that?—A. There was nothing wrong that I saw.

Q. Who were the judges of election there at that poll?—A. Some of their names I know, some of them I don't remember.

Q. Who are the ones that you know?—A. There was one man by the name of Henze, and one man by the name of Maginnis, I believe; there was a clerk by the name of Caseoff or Kaeshoefer.

Q. Do you remember who the other judge was?—A. I know them, but I can't remember their names just this minute; in fact I know them all well by sight.

Q. What is this fourth judge's business, whose name you can't remember?—A. I couldn't tell. I believe if I heard the name—

Q. Was it Cahill?—A. No; he was no judge nor clerk either; he had nothing to do inside at all.

Q. He was there, was he not?—A. There was Cahills there; I don't know what Cahills you mean.

Q. And you do not now remember the other judge's name nor the clerk's?—A. No, sir; but I know them all by sight, and did know them too by name, but I disremember it now.

Q. Who was the registrar there that day?—A. Well, that I couldn't tell you; I didn't keep any account of that; I don't know now.

Q. Do you know whether there were any individuals registered there that day?—A. Well, that I couldn't tell you; if there was any it was done on the inside; my place was on the outside, except after the polls closed; my orders was to go inside and see what was going on there, and get this count.

Q. You didn't see any man registered there that day?—A. I did not; I heard that there was somebody registering, but who he was I don't know.

Q. You went there, you say, in the morning?—A. I was there, I believe, ten minutes before six o'clock, or may be twelve minutes.

Q. Were you there when the polls opened?—A. Yes, sir; before that.

20 Q. Were all the judges who had been appointed and commissioned there when the poll opened?—A. They were all there; there was one that was appointed that didn't serve; I believe the reasons was that he couldn't read good enough, and his son was appointed; his name was Henze, a German.

Q. He was elected there that morning was he not, by the voters?—A. I suppose so, inside; he keeps a tailor-shop at 1612 Broadway; he is the man that didn't serve; his son was appointed in his place; I think his first name is Henry.

Q. You didn't see any person hit there that day? You didn't see any person threatened there that day?—A. No, sir; I didn't see any hitting; there wasn't any of it done at that polls; only this man Hardwick who was hit about two hundred feet away from the polls, around the corner. I went there and asked him what was the matter; he told me he was hit; I asked him who had hit him; he said it made no difference, he didn't want the man arrested, he didn't want to be hit again; I knew the young man well.

Q. Was there anything of a crowd there when he was hit, or when you arrived there after this hitting?—A. Well, there might have been twenty-five or thirty people there; that is about the most I ever saw there; I didn't count them; that is, to the best of my knowledge.

Q. You didn't learn the cause of his being hit, did you?—A. Well, I couldn't exactly tell you the cause; there was talking amongst them; what the cause was I couldn't say.

Q. You didn't learn it there at all?—A. He told me himself when I went to him and asked him if he wanted the man arrested; he says, 'I don't want to be hit any more'; so he went off and went home.

Q. But you say he told you the cause of his being hit; what cause did he state to you?—A. What cause? He had some argument with some fellows.

Q. Did he tell you who hit him?—A. Yes, sir.

Q. Who did he say hit him?—A. He showed me the man; says he, "There he is"; "Do you want him arrested?" "No," says he.

Q. Do you know him?—A. I do.

Q. What is his name?—A. I don't remember his first name; I think they call him Marshall.

Q. Ed. Marshall?—A. Ed. Marshall, I think that is the name.

Q. Well, did he tell you why Marshall hit him?—A. No, sir; he did not.

Q. Did you learn from any other source the reason of that hitting?—A. I heard them say that this man Hardwick had a little too much to say; that is all; I didn't care what the reason was; he didn't want the man arrested; I was there for that purpose; but he says he didn't want him arrested; then I went right back to the polls.

Q. Do you know where he was hit?—A. On Hempstead street.

Q. On what part of his person, I mean?—A. He said he was hit right about the jaw, or somewhere in that neighborhood; he had no mark on the jaw that I could see.

Q. Did he tell you what he was hit with?—A. He said the man hit him with his fist.

Q. He was not knocked over at all?—A. No, sir.

Q. Just a slight tap on the face?—A. I didn't see it.

Q. That is what appeared to be the sum and substance of it; that is what you gathered about it?—A. Yes, sir; they was running back and forth; one man went one way and the other went on his way; he was clerk for Remmert.

Q. There was no excitement?—A. Nothing to amount to anything; it didn't last long.

Q. It didn't originate near the polls; it started around and away from the polls about two hundred feet, you say?—A. May be two hundred, more or less.

Q. You didn't hear any man threatened with arrest at the polls, did you?

WITNESS. Threatened with arrest?

COUNSEL. Yes, sir.

A. Except this Windom that was arrested.

Q. Well, was he threatened with arrest before he was arrested?—A. No, sir; they wanted me to arrest him right then and there and I wouldn't do it.

Q. Then, you didn't hear any man threatened with arrest there, did you?—A. No, sir; none that I remember.

Q. You simply heard some white men who were there challenge one or two colored men, because they suggested to them that they had not resided there—in the city—long enough?—A. Yes, sir; they were challenged, both white and black, some of the colored men challenged the white men, and some of the white men challenged the colored men.

Q. And there was not, as you have stated, any man, who was legally qualified to vote, prevented from voting there that day?—A. No, sir; not that I know of, not while I was there.

Q. And you were there, and if it had been done you would have known it?—A. I would see it, yes, sir.

Q. And, consequently, you know that that thing did not occur?

22 —A. It did not occur; I went there, and was put there for the purpose of seeing anything of that kind, anything out of the way, any violation of the law; if I saw anything of this kind, to stop it, to make arrests.

Q. On challenging these negroes, was it suggested to them that they hadn't resided in the State long enough for them to become voters?—A. I couldn't tell.

Q. You didn't hear Mr. Dugdale challenging anybody?—A. I don't know; but he may have challenged some; I may have heard him, too.

Q. Were there many people around that poll all day?—A. Sometimes there was none at the polls, except a man or two; sometimes there would be twenty or more; sometimes thirty or forty; coming and going.

Q. Most of them were colored men, were they not?—A. They were black and white; I couldn't tell—sometimes there would be no colored men there and sometimes there would be ten or fifteen or twenty; sometimes five or ten; there was a colored man by the name of Reed, and then this Turner, they were there all day.

Q. Was Turner sober there all day?—A. He was not, sir.

Q. Was he drunk early in the morning?—A. No, you wouldn't notice it in the morning; you could not have noticed it until in the afternoon.

Q. What time, about, did he get drunk?—A. I believe it was in the neighborhood of four o'clock or after four o'clock; he then dropped his pistol on the sidewalk and the ball went off and came near shooting a man near the polls. I didn't notice him until three or four o'clock in the afternoon, after the United States marshal come there, and he came there; he commenced to show that he had taken a good deal of beer. When this United States marshal came there he come to me and asked me what was the trouble; I told him nothing was wrong so far as I could see; he says, "No, there doesn't seem to be anything going on here, no more than is general at all elections"; he then staid there awhile himself—may be a half an hour or more; then he come to me again and says, if I wanted any assistance, here were two men more.

Q. Who said that?—A. The United States marshal; I don't know his name. Them men was there back and forth; they didn't have to make no arrests; sometimes they would walk in front of where they were balloting—putting the ballots in, and then they would go away again; talking and walking as they generally do at election times. There was no arrest made, except this Windom. It was Bensieck and Judy that went down there, he told me—

Q. Went down where?—A. Went down there to this United States marshal and got him to fetch those men up. He thought himself

23 that there was no need of them coming up there.

Q. Who thought so?—A. This United States marshal; he told me that he didn't see no disturbance there at that time, or that I would would need any more assistance.

Q. But he left two men there?—A. He left two men there. When Bensieck would come there he was always betting who would get elected, and who wouldn't; he wanted to bet fifty dollars that Frost would get elected—I mean that Sessinghaus would get elected.

Q. You made that change from Frost to Sessinghaus at the suggestion of the contestee's counsel?—A. I made it at my own suggestion, sir; of course it was a mistake of mine.

Q. Did the counsel for the contestee make that suggestion to you?

WITNESS. Who?

Q. Mr. Donovan.—A. I don't know but he made it; but it was a mistake of mine to let it out. He bet fifty dollars with John Cooney that Mr. Sessinghaus would be elected. He keeps a saloon on the corner of Main and Mullanphy street—southwest corner.

Q. He was there that day?—A. Yes, sir; that he was, or he couldn't have bet.

Q. Did he vote there at that precinct?—A. Yes; I believe he did.

Q. Before or after this bet?—A. I couldn't say; in fact I didn't see him vote; but I think that was the precinct in which he should vote.

Q. What is his address?

WITNESS. What is this man Cooney's address?

COUNSEL. Yes.

A. I have given you his address.

Q. What is his business?—A. Saloon-keeper.

Q. He was perfectly quiet; he made no disturbance—didn't talk loud?—A. They was talking loud there, him and Bensieck, next to the boards where the ballots was a laying, about a foot and a half from the window, where there was nobody supposed to go inside of, except those going in to vote, or going inside of the place. Mr. Bensieck got inside there and got to talking there, and demanding that he must get inside. I went up and told Mr. Bensieck if he wanted to bet and argue he must go outside. Then he went away. There was no fuss; they then went about ten or fifteen feet from the polls and made their bets.

Q. Mr. Bensieck was an assistant of the United States marshal, was he not?—A. I don't know what he was on that day; he was going around in a buggy with Mr. Judy; I know them two personally.

24 Q. Did Mr. Bensieck bring to the polls a large number of colored men that day?

WITNESS. At one time?

COUNSEL. Yes.

A. Sometimes he would have five or six; sometimes he would have none. If they saw him coming in the buggy, they would run to meet him, and he would yank them in line, and some of them would be objected to on the ground that they were not living long enough in the State. I even saw Mr. Judy himself on the inside with one of the judges; what happened in there I don't know.

Q. There were a good many men who presented themselves there at that poll that day whom you knew were not residents for one year in this State; how many were there?—A. There was a good many; I couldn't tell the exact number.

Q. Please give us, as near as you can, the number of those of whom you know those facts.—A. About a dozen or more.

Q. Will you please give their names?—A. No, sir; I can't do that. I don't know their names.

Q. You don't know the names of any of them?—A. I know some white men by the name of Harris—two men by the name of Harris; then there was a man who said he was only six months in the State who wanted to get in his vote, but he didn't want to get into trouble; he told me this himself.

Q. These men you know, as I understand you to say, of your own personal knowledge, were not residents for one year of the State?—A. I told you of my own knowledge; yes, sir; especially these men who lived at 1600 North Main street, and 1606 and 1711 and 1713 and 1717 North Main street—

Q. Now, how do you know—you say you know personally of your

own knowledge that they had not been residents of this city for one year prior thereto? Now, I will ask you to please state how you obtained that information.—A. From themselves, while living on my beat.

Q. They told you, each of these twelve men, whose names now you have forgotten, except three, that they had not lived in this State one year before the election?—A. I don't remember any State being mentioned.

Q. But they told you that they came to this city both in April and in May?—A. Yes, sir.

Q. Mr. Collins, how many of those men did you challenge that day? WITNESS. Did I challenge?

COUNSEL. Yes, sir.

A. I didn't challenge none; that is not my business.

Q. Notwithstanding the fact that you knew when they went to
25 the polls to vote that they were not qualified voters?—A. I couldn't swear only what they told me; whether they told me true is another question; it was no business of mine to interfere, if I was not sure of it.

Q. Then you did not know, of your own knowledge, that they were not qualified voters?—A. From the time they lived on my beat, and the time they told me that they come there—they come there from Louisiana, some of them, and others from Cairo, I could not swear positively one way or the other.

Q. When did they make this statement to you?—A. Oh, I think about May or June. It is a general thing with me to go to those houses to see who was in there and get acquainted the best way I could.

Q. You saw some of these men in May and June, and they told you they had come from Louisiana and Cairo, and from the South some of them?—A. I would get it from them how long each one had been away from the South. They had money sent to them from their friends in the South, and they wouldn't get that unless somebody would recommend them, that they were the right party.

Q. Now, when you made the acquaintance of these men in May and June and April they were living there where they said they lived when they went to the polls in November, were they not?

WITNESS. They were living where, you say?

COUNSEL. At the same place where they stated they lived when they went to the polls in November and wanted to cast their ballots.

A. Some of them did; some of them comes and goes; they don't have no certain place to go to. You may go there one time and find fifteen or twenty, and again you may go there and find not over five or six.

Q. Then, as I understand you to say, you don't know, of your own personal knowledge, whether one single one of them had not been living in this State more than one year before last November election?—A. I never had any conversation with them about the State.

Q. And you didn't challenge one single man's vote there that day?

WITNESS. Challenge?

COUNSEL. Yes.

A. It is not a police officer's business to challenge voters.

Q. Well, you didn't tell any one else around the polls that they had better challenge these men?—A. I attended strictly to my business. I didn't propose to lay myself liable for anything of that kind. I never saw Mr. Frost, to know him by name, and I never had anything to do with Mr. Sessinghaus. I voted for the man that suited me best. I took the word of another man when I voted. I was not a

26 acquainted with either of the candidates personally. I had seen Mr. Sessinghaus. I rather liked the man; he made free and was a jolly, good fellow. Frost I never would know if I should see him now.

Q. You removed one negro from the line of voters, and that man was Bailey?—A. Yes, sir; I did.

Q. That was Jo Bailey. You have known him for a number of years?—A. Yes, sir.

Q. How old a man is this man Bailey?—A. Well, I suppose he is over forty—may be fifty years old. It is pretty hard to tell a colored man's age, unless a man is well acquainted with him.

Q. You say you used repeatedly to go into his house without permission, there at 226 Mound street?—A. Yes, sir.

Q. Was that before or after his wife died?—A. Before and after.

Q. Both?—A. Yes, sir.

Q. Where did he go to when he moved from Mound street—to live, I mean?—A. When his wife died he lived in a room in the rear of 226 Mound street. He lived there for several months after; and then this girl, Em. Felt, used to come around there and stay with him, and keep house for him. He got to understand that there used to be other men that used to come there and fool with her while he was out; so he drove her out; in fact, gave me orders to keep her out. She was very quarrelsome. He wanted her kept out of his house. He said that she had lived on the west side of Eleventh street, between Howard and Brooklyn streets; the street don't run through; only to Tenth street—a little ways.

Q. My question was, where did Bailey move to when he left 226 Mound street?—A. He moved first to 1711 North Main street, and staid there a few days, or, rather, a few weeks; then he went to 1712 North Main street, and staid there with Mrs. Kemmerly.

Q. Is she a colored lady?—A. Yes, sir. He got to going with this woman Felt again, so he went up on Broadway, on the east side, between Benton and Warren streets.

Q. When did he go up there?—A. It was three or four or five weeks before November. Then he had no money to give her and she run him away, and he came back to 1717 North Main street, and he has been there since.

Q. Well, now, how far is 1717 North Main street from 226 Mound street?—A. Well, 226 Mound street is very near the corner of Second street, on the south side of Mound street; and 1717 North Main street is very near a hundred feet from the corner of Mound and Main streets. It is over a block and a half distant from each other, if you took out the corner and put it in a straight line.

Q. Do you know a man by the name of William Donan?—A. Yes, sir.

Q. Is he a colored man?—A. Yes, sir.

Q. What led you into the house of Jo Bailey, at 226 Mound street, when Bailey was living there, while he was asleep—so often?—A. Police duty.

Q. Well, you considered it your duty, did you not, Mr. Collins, to visit all the houses on your beat and to go inside?—A. Certainly, houses of the kind that Mr. Bailey lived in. He had called my attention himself to coming in there and seeing who was in the house in his absence. He said I should go in there whenever I was in that neighborhood, because there was some fellows come from Howard street and some other places to see this woman, and he didn't want it to go on;

I used to go in there to see who was there; in fact, there used to be white and black going in there; it had a bad reputation.

Q. Do you know this man Henry Hardwick who was hit?—A. Yes, sir; I know him well.

Q. Where does he live?—A. Northwest corner of Main and Howard streets. He is working and living with a man by the name of Remmert, who keeps a grocery at that place.

Q. You know him to be a Democrat?—A. No, sir; I don't know that; heard him say that he was voting for Frost.

Q. Now, didn't he take a colored man up there that day to vote—to identify him; and was not that the reason, as you learned there from that crowd, of his being hit?—A. The colored man was there himself. There was a mistake in the number where he lived, and he went back, and Hardwick came with him to the polls. The colored man was there previous to that.

Q. Hardwick came there with him to identify him, and to rectify that number?—A. Yes, sir; I suppose so. I don't know whether it was rectified or not.

Q. And that is what led to the trouble?—A. It may be; yes, sir.

Q. Do you know a lot of men who congregated there at that polls that day, who came from the ice-houses, and the gas-house, and Cooney's place?—A. I know men who worked in the gas-house and in the ice-

house—honest men—that came there and voted and went away.

Q. As far as any lot of men is concerned from the ice-houses, or anywhere else, I didn't see any; I don't remember whether they were or not. Cooney's crowd—he was there, but I don't know that he had any crowd with him. They came there with him, them that hang round his place, but they were quiet and orderly. They were some young fellows that were raised with him—friends that he knew. There was no trouble or disturbance of any kind on their account.

Q. But they were there—some of them; and Mr. Cooney was there making bets and challenges?—A. Mr. Cooney made a bet after it was proposed to him by Mr. Bensieck.

Q. What other bets did Cooney make there?—A. That is all I seen; he may have made other bets, and may not; if he did I don't know it; though I heard after that that Bensieck wanted to bet again.

Q. Was the money put up?—A. They pulled the money out—Bensieck pulled the money out, and the other man backed it up; Bensieck pulled out fifty dollars, and bet fifty dollars that Mr. Sessinghaus would be elected; and Cooney got fifty dollars and bet him that Sessinghaus couldn't be elected. I finally went to Mr. Bensieck and told him he was creating too much disturbance; that he must go away from there; he then went about fifteen or twenty feet from the polling window and kept on offering to bet; he made this bet with Cooney, and the money is up now, as far as I can understand.

Q. Mr. Cooney created no disturbance whatever?—A. Not at the time that Mr. Bensieck came there; they were standing around there, talking backwards and forwards; they were quiet standing around talking to each other, but making no fuss or disturbance; Cooney had the money to take up Bensieck, and he did so; I learned that the bet is still up. Bensieck was making all the disturbance there; I had to tell him to get outside of the boards, where he was making this fuss.

By Mr. DONOVAN:

Q. Officer Collins, Mr. Pollard has sought to create an impression

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'that there was use for a large police force at that poll, and he has asked you what number of policemen were present there and you have stated among others, Captain Daley; is that in his district?—A. Yes, sir; he went around to every district that day.

Q. That was his duty?—A. Yes, sir.

Q. How long did he remain at that poll?—A. Well, a few minutes; I didn't keep no time of it; and then went to another—to the next poll in his district.

Q. What was the police officer doing at that poll—who was stationed across the street?—A. He came over once in a while just to see me; just to have a chat with me; we were both on the same police force, and it was natural he should come over and talk to me; I would ask him how business was going on, etc.

Q. What is the rule governing the police force on election days; do the members of the force remain on their usual beats, or are they changed out of their places?—A. The members of the police force cannot remain at their usual places—on their usual beats; because there are so many polls that the whole district from Cass avenue to Grand avenue or north of it, from the river to Grand avenue, does not have over a half dozen men; they have to do the work of the regular officers—they must take care of that whole district. There is twenty-eight beats in the district; they were all out on that day—some forty-five or more; the night-watch was thirty-eight, and there was twenty-eight on the other watch; on election days some of these beats are not covered, because there are not men enough.

Q. What I wish to know, Officer Collins, is what is the rule of the police department in regard to disposing of the force on election days?—A. The rule is that the captain tends to the sending of the men to the several places, whether it is their regular beat or not.

Q. What I mean is, the force is usually stationed at the polls?—A. Oh, yes.

Q. And off their beats?—A. Yes, sir.

Q. And that is the rule on all election days?—A. Yes, sir; that is the rule on all election days; it used to be different before there was so many precincts; they would have then four or five police officers at each poll; since this charter went into effect there have been so many precincts created that but one or two men, or sometimes if they have plenty, three men were placed at one poll; some of them now only get one; and even at that they have got all the force out.

Q. And stationed around the polls?—A. And stationed around the polls; yes, sir.

Q. Will you please state what is the rule in the police department in regard to furnishing blanks to the police officers on the beats to receive the result of the election at the close of the polls?

Mr. POLLARD. I object to the question as incompetent and irrelevant.

WITNESS. Yes, sir; I have got one of them here with me now if you want to see it; one of the blanks that is furnished the officer; this is a blank for the last election we had here in April of this year, but it is similar to the one we received for the November election, with, of course, the names of the candidates different. I had three.

30

By Mr. DONOVAN:

Q. Each police officer, then, stationed at a poll is furnished with a printed blank from the department?—A. Yes, sir.

Q. With instructions to this effect, and in this language:

INSTRUCTIONS TO THE OFFICER.

You will leave nothing undone which will aid in forwarding to the Chesnut street station, at the earliest possible moment the result of the election at the poll to which you are assigned. Keep this blank clean, and as soon as the votes are counted enter the figures in their proper places on the face thereof. If the poll fail to open at all, state the reason; or if the judges disperse without counting the votes at night, or if anything else occur which prevents you from ascertaining the result of the election at your poll, state this fact under the head of "remarks," giving the reason for your failure. On obtaining from the judges the result of the election, deliver this blank immediately as directed by the captain of your district, and remember that prompt and complete returns are the best proof of efficiency.

These instructions are on the back of that printed blank ?—A. Yes, sir.

Q. And are furnished at all elections ?—A. Yes, sir.

Q. To the police officer ?—A. Yes, sir; ever since I have been on the force.

Q. On the front of this blank are the names of the parties who are running for office, and for what office ?—A. Yes, sir; the office they are running for and their name.

Q. So soon, then, as the judges have completed their count you copy their figures on to this report and take it to headquarters in pursuance of your instructions ?—A. Yes, sir; we put the number of votes down opposite to their names, and the office they are running for at the end of each man's name. There is Overstolz, Democrat, and Ewing, Republican, both running for mayor; and so on for the rest of the names and offices.

Q. So all that you had to do with this count was to obtain this report ?—A. Yes, sir; that's all; unless that I seen anything wrong going on inside; then I would make such remarks on the back.

Q. And that is the usual form of report of the police officer on election day ?—A. Yes, sir.

Q. Did Bensieck vote at that poll—or Judy ?—A. No, sir; Bensieck did not vote at that poll, because he lives, I believe, on the east side of Sixth street, between Biddle and Carr streets; he lives in the district now; he lives in that ward.

31 Q. I mean in the third Congressional district; that ward is in the third Congressional district, is it not ?—A. Yes, sir; that is, I think it is. I know his place of business is on the east side, because I had some dealings with him. A man stole some of his harness, and I had some dealings with him in that way.

Q. Do you know whether Judy lives in that district or not ?—A. Yes, sir; he lives on Brooklyn street, between Ninth and Tenth street.

By Mr. POLLARD :

Q. How many police officers are there in this city; patrolmen ?—A. I couldn't tell you.

Q. You have no idea ?—A. No, sir; I suppose there is over three hundred; but just how many I don't know. In the city is what you asked me for—

Q. Do you know how many polling precincts there are in the city ?—A. No, sir; I never took any notice.

Q. There are two hundred and forty-four, are there not ?—A. I couldn't

say, sir. I remember of seeing them in a book; but I can't think exactly of the number.

Q. How many polling districts do you say there were in your district up there?—A. I didn't say; the question was not asked me how many polling precincts there was in my district.

Q. Well, then, how many policemen are there in your district?—A. I think there is twenty-eight beats, but whether or not they are all covered I don't know; well, you know there is two changes; that would leave twenty-eight men on one watch and twenty-eight on the other, if the district has got a full number; I am more sure that it hasn't, because there is a great many men have got two beats to walk.

Q. You would say, then, that there were in the neighborhood of forty or forty-five men?—A. There might be that many.

Q. Do you know how many polls there are in that district?—A. No, sir.

Q. What other instructions beside the one that was read to you here in the form of a question was given for your observance on that election day?—A. I don't understand the question.

Question read by the notary as last above written.

A. Our instructions from our captain, or our sergeant, on election day is to see that there is nothing in the line of disturbance of the
32 peace; for us not to interfere in politics in any way; whether it is a Republican or Democratic poll, it is none of our business; if there is anything done which causes arrests, for to make them, no matter whether it is a Democrat or a Republican, or white, or black, Irish or German, or Americans; to take no active part one way or the other.

Q. Were the instructions which you received just previous to the last November election similar to those received just previous to the election which was held here a week ago?—A. Yes, sir; I never remember of any election where I was at the poll that these instructions were any different. We are instructed not to take no active part one way or the other in the election; not to have anything to do with it, to cast our vote for whoever we please, and after that to attend strictly to our duty.

Q. How many votes were there polled at that precinct 39 on last November election day?—A. I forget now; I did know at the time; I never thought I would have to give an account of how many there were; therefore I couldn't tell you.

Q. Well, about how many?—A. I don't know.

Q. You couldn't tell whether there were fifty or five hundred?—A. There was more than fifty, and more than two hundred; but the exact number I couldn't tell you; I had it down in the memorandum book that I had; but what has become of it I don't know.

Q. It is between two and three hundred?—A. That I couldn't say; I think it was over two hundred.

Q. It might have been over three hundred?—A. I couldn't say whether it was over three hundred or under; I know it was over two hundred.

Q. Did Mr. Frost receive the majority in that precinct?—A. Well, I believe he did; I am not sure of that; who received the majority in the precinct I don't know; I didn't take that notice to see who was ahead in that precinct; I knew, of course, at the time the count was made, but to remember that now at this date I can't do it. I think, though, that Mr. Frost was ahead.

Q. I wish you would tell me where Mr. Bensieck resides, if you know.—A. No, sir; I couldn't tell you.

ou do not know?—A. No, sir; I thought at the time when I an-
before, when I was at his place of business, that he lived there,
two doors south of his stables; I seen him go into the yard there,
ether he lived there or not I couldn't say. I think the stable is
sixty feet below Carr street. There was a man stole some har-
om him, and I had to go to his place of business and see whether
he would prosecute or not; that is how I happened to get ac-
quainted with him; he took me down in a buggy when this young
fellow stole his harness; he offered it for sale at William P. Paul-
on Broadway, between Mullanphy and Howard street, at 1616;
nformed me at the station; that is, the man who stole this bridle
llar told me this at the station; I followed it up, and that was
t acquaintance with Mr. Beusieck; Mr. Judy I know for a long

Where does he live?—A. On Brooklyn street, between Ninth and
street.

s that in your beat?—A. It is; it seems to me it is eight years
orning.

Is he still lives there?—A. I believe he lives there yet; I seen him
here.

Where is his place of business?—A. It is on Broadway or Fifth
but I couldn't give you the number; he is a dealer in game.

ature waived.

DONOVAN. I will now call Officer Wilson.

POLLARD. One moment, if you please. Before this witness is
I desire to enter upon the record a matter which I omitted this
g. When the witness last put on the stand by the contestee on
ght left the witness stand we had not completed our cross-exami-
of him—

DONOVAN. I object right here to that statement, for the reason
e gentleman had completed his cross-examination of the witness,
nd distinctly dismissed him; and the record will show the com-
of his evidence. The witness was not dismissed by the notary
he counsel for the contestant, Mr. Pollard, had distinctly an-
d himself finished; and it was not until after the adjournment
en taken, and the notary had closed his books and inkstand, and
others had put on their hats and overcoats, that it suddenly oc-
to another of the contestant's counsel that the witness be asked
other questions; to this we then objected, because the witness
was already out of the room, and the majority of those attending
the sessions of this court had started away.

POLLARD. I desire to ask that witness some questions which I
he gentleman will assent to as being true.

DONOVAN. The witness will be recalled for the benefit of the con-
; if we can do so; if we can find him, the counsel shall have
opportunity to recross-examine him, although he had closed his
gation, and we had adjourned for the day.

POLLARD. I did desire and still do desire to ask the witness
uestions which I presume the gentleman will admit as being true
t the trouble of recalling the witness.

DONOVAN. You will be at liberty to ask the witness on the stand,
he arrives, any question that you please, and I will take the
to bring him here for your benefit.

POLLARD. I will simply state that all I wanted with the witness
e facts in regard to a statement made by him, which I omitted to

ask him last evening; first, that he is a colored man; second, I omitted to ask him regarding his employment in this case for a consideration other than his seventy-five cents.

Mr. DONOVAN. If it does not already appear that he is a colored man, I will admit that.

Mr. POLLARD. You will also admit that he was generally employed as a striker for the Democratic party, and worked for them in this recent election?

Mr. DONOVAN. That I cannot admit, for I have absolutely no knowledge or information sufficient to form a belief that any such fact is true.

Mr. POLLARD. All these statements the witness intimated to me he would verify, if I had asked him about them; but not having the opportunity to do so because of the adjournment which followed, I now make this statement upon the record.

Mr. DONOVAN. I would here note that this is a most remarkable piece of business at this stage of our investigation. I would prefer to have Mr. Pollard ask the witness any question he pleases; if he desires to know whether the man is a colored man, that is quite evident; if he desires me to say that this witness was employed by me to give this testimony, that is absolutely untrue; as to whether he was working for the Democratic party at this recent mayoralty election, I have no knowledge of that, and for that reason I cannot admit it; although I don't see what features the fact would cut in this case; but if the gentleman is within call, I will furnish him to the counsel for the contestant to ask either of those questions or any other that he sees fit.

JOHN E. WILSON, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Give the notary your full name, please?—Answer. John E. Wilson.

Q. How long have you been living in the city of Saint Louis?—A. About eight years now.

Q. Are you an officer on the metropolitan police force of the city of Saint Louis?—A. Yes, sir.

Q. How long have you been an officer on that force?—A. Six years in the coming April—this April.

Q. Where were you stationed on election day, November 2, 1890?—A. I was stationed at the office; I was not at any special poll; I was walking the office beat. I walk the office beat generally on election days, if I am kept there; not at all election days; but at that election I was kept there.

Q. Is poll No. 39 within that office beat?—A. No, sir.

Q. How far away is it?—A. I don't know exactly the distance; I suppose it is ten or twelve blocks away.

Q. Which office do you mean?—A. The main office—the main station; Tenth and North Market streets.

Q. Did you go to poll 39 on that November election day?—A. Yes, sir.

Q. What time did you go there?—A. I can't say exactly, sir; it was between 3 and 4 o'clock; I would say between 3 and 4 o'clock.

36 Q. How long did you remain there?—A. I remained until the poll closed.

Q. While you were at that poll did you see any disturbance?—A. No, sir; none.

Q. Were there any arrests made?—A. No, sir.

Q. Was there any occasion to have any arrests made?—A. Not while was there.

Q. Who sent you to the poll?—A. The captain.

Q. And he told you he had heard of that slight scrimmage in the morning that took place near there, and thought you had better go there?

Mr. POLLARD. I object to that question, for the reason that it calls for hearsay testimony, and is incompetent and absolutely irrelevant; that the captain told this witness is in nowise material to this case.

By Mr. DONOVAN:

Q. What did the captain say to you?—A. The captain came in and the clerk told me—

Mr. POLLARD. I object to your stating this conversation which occurred between you and the captain and between the captain and the clerk; because that has nothing in the world to do with this matter, in the first place; and in the second, the captain and the clerk are the best witnesses of what they said; and each of them is accessible to the order of this notary.

WITNESS. (Continuing previous answer)—the captain told the clerk that there had been some complaint made by some parties at this poll, that they expected some trouble, and then the captain says, "Go down here, Wilson;" I asked him, "Shall I remain there?" and he studied a moment, and then said, "Yes, you had better."

By Mr. DONOVAN:

Q. So you went down there?—A. Yes, sir.

Q. And you remained there until the closing of the polls?—A. Yes, sir; until the polls closed.

Q. And there was no occasion whatsoever for your interference?

Mr. POLLARD. I object to that question, for the reason that it is leading.

By Mr. DONOVAN:

7 Q. Well, then, was there any occasion for your interference?—

A. No, sir.

Q. Was there any difference between the manner in which things were conducted at that poll and any other poll in the city?—A. No, sir; there was nothing unusual; everything was quiet; they had their cards there outside with their tickets on for the voters to take one; was conducted just the same as any other poll that I have ever been to.

Q. Was it noisy about there?—A. There was a crowd of people standing around there, black and white.

Q. Anything unusual?—A. No, sir; nothing more than at any other polls.

Q. Did you see Bensieck there that day?—A. Yes, sir.

Q. What was Bensieck doing there?—A. Well, I didn't pay much attention to what he was doing; he came up there and a crowd of men got around him; I didn't pay any attention to him.

Q. He was playing the big dog with the brass collar?

Mr. POLLARD. I object to that, because it is irrelevant, incompetent, and immaterial.

WITNESS. Well, he seemed to be in command there; they would to him with their complaints.

Mr. DONOVAN. Who would? The white, or the colored men?

A. Different ones; I never paid no attention to that. This United States marshal, he done a good deal of talking with him.

Q. Do you know the name of this colored United States marshal that was there that day?—A. No, sir; I do not.

Q. How big a man was he?—A. A large man; I suppose he was near six feet.

Q. What was his weight?—A. He would weigh, I guess, in neighborhood of two hundred pounds.

Q. What was he doing there?—A. He was doing a good deal of fighting and gasing; that is about all I seen him do there; besides he drunk.

Q. Isn't it a fact that the colored United States marshal, a Republican, and Bensieck, a very prominent Republican and a great striker for Sessinghaus, were doing some very loud talking on that day, when you were there?

Mr. POLLARD. I object to that question, for the reason that it is premised by a statement which is not the fact; the testimony in this case has heretofore failed to disclose the fact that Bensieck was a Republican.

38 Mr. DONOVAN. Will you deny it?

Mr. POLLARD. Or a striker for Sessinghaus.

Mr. DONOVAN. Will you deny it?

Mr. POLLARD. We deny that he is either.

Mr. DONOVAN. That he is not a Republican?

Mr. POLLARD. Yes, sir.

Mr. DONOVAN. I have no further confidence in any statement that you may make pending this Congressional contest, if you state that Bensieck is not a Republican, and for that matter, a very prominent Republican, well known to be such by the citizens of Saint Louis, an active Republican worker at all elections, and has been for years and you, a prominent political stump speaker in his district during the canvass—I have lost all confidence in your statements.

Mr. POLLARD. If I plead guilty to but a tenth part of the horrible crimes charged upon me in that little speech of the gentleman representing the contestee, I ought to know, and I think I do know, something about Mr. Bensieck; I believe the facts are that the record of this city, that the public prints for the last ten years will disclose the fact that Mr. Bensieck, although a merchant, is an honorable, upright, faithful man, and that he visits the polls for the express and exclusive purpose of doing what any other citizen has a right to do—what it is his duty to do—to see that matters and things are conducted honestly and faithfully, that there might be a free ballot and fair count; and that he went for no other purpose; that he was then, on that election day referred to, a United States marshal, whose duty it was to preserve the peace, and that he did his utmost so to do; and it is a further known fact that Mr. Bensieck is not a politician; that he is as much with the one party as with the other, I apprehend the counsel for the contestee knows fully as well as I do.

Mr. DONOVAN. In your beautiful little speech you have admitted and skipped the point; do you deny now, and persist in denying that Bensieck is a Republican?

39 Mr. POLLARD. I believe that Mr. Bensieck is classed among those Republicans who do more scratching than voting straight.

what is known and facetiously styled "the upper air and solar walk" gentleman; one of those who votes the Republican ticket when he thinks it is composed exclusively of men whom he considers to be saints; and if there are more saints on the Democratic ticket than on the Republican ticket, then he votes the Democratic ticket.

By Mr. DONOVAN:

Q. Now, Mr. Witness, my question was whether Bensieck, this Republican politician, and Turner, the negro United States marshal, were not doing much, if not more, talking than anybody else at that poll during the day, while you were there?—A. During the time he was there; yes, sir. Every time he came there there would be quite a crowd and a flurry, whenever he came up there.

Q. Well, that is about all the flurry that was there that you saw that day at that poll?—A. There was nothing unusual; there was quite a crowd there; that was all; no demonstration of any kind.

Q. There is generally a crowd around the polls on election day, is there not?—A. In thickly settled districts, yes, sir; yes, sir, generally.

Cross-examination by Mr. POLLARD:

Q. Mr. Wilson, where do you reside?—A. 1623 Warren street.

Q. How long have you lived there?—A. Since August 20. I moved there last.

Q. You say your beat on election day was at the general office—at the police station?—A. That was my beat, I stated; that was the beat I walked on election day; I was stationed at the office. The captain told me just to stay there until he sent me away. That office is on the corner of Tenth and North Market streets.

Q. That station is some fifteen blocks away from precinct 39?—A. Yes, sir; it is about that.

Q. Notwithstanding that, some time in the afternoon, about two o'clock, the captain in charge there being informed that there was a disturbance and a great deal of trouble at precinct 39, and notwithstanding the fact that there were already from two to five policemen there, he detailed you, in addition to the force already there, and you went there and staid with these other policemen from that time until the
40 polls were closed?—A. Yes, sir. I didn't say 2 o'clock; I said it was between two and four o'clock; I didn't want to say it was 2 o'clock.

By Mr. DONOVAN:

Q. Did you hear his statement that there were five policemen at that poll? He has his questions so worded that you must be careful how you answer them. Read the question again. Watch it carefully, and don't answer it until you understand it fully.

Mr. POLLARD. I object now to that question going down as propounded by the contestee's counsel; and I object to my former question (which the witness has already answered) being read again. I will, of course, waive my right to cross-examine this witness until the contestee's counsel has got through with him. Notwithstanding the fact that he wouldn't accord me that right, he shall have it on this and all other occasions; but I must object to the gentleman asking questions and giving instructions to the witness after we have commenced our cross-examination; it is not the proper course to interrupt me in the midst of my cross-examination. Of course, I will always give way to the gentleman to ask a question which he may have omitted; but to in-

interrupt me in the course of my examination, and to correct the witness or to call his attention to any statement he may be making, I take it that is wrong, and the gentleman well knows it. I will now wait until the counsel has finished with his witness in chief.

Mr. DONOVAN. You do manage to get more opportunities for interjecting your fine-haired speeches than I ever saw an attorney get before. Where was the occasion for all that lecture? This is a very fair witness, and seeing that he is such you go out of your course, and instead of asking him a fair, straight question, you cumber it with a lot of other matters that he cannot remember one-fifth of them, but, remembering the latter end of it, he answers yes to that, while the record stands as if it were yes to every proposition which you embodied in your catechism of a question. I simply want fair play for the witness. The notary will please read the question again.

Mr. POLLARD. I object to the rereading of my question, for the reason that the question I put did not embody in it more than a quarter of the propositions usually put into a single question by the contesting counsel when he has his own witness; and if I see fit to frame my question directly so they may be answered yes or no, I apprehend that, considering the latitude allowed him in his questions, I should not be found fault with.

41 Mr. DONOVAN. Let the notary read you that question again.
WITNESS. Read that question over to me, please?

Question read as follows: Notwithstanding that, some time in the afternoon, about two o'clock, the captain in charge there, being informed that there was a disturbance and a great deal of trouble at precinct 39, and notwithstanding the fact that there were already from two to five policemen there, he detailed you in addition to the force already there, and you went there and staid with these other policemen from that time until the polls were closed.

WITNESS. Now, what is there you want me to answer? Whether I went there or not.

Mr. DONOVAN. The question says that there were five policemen there detailed to that poll?

A. I never said there was five policemen at that poll when I was there; there was the sergeant and the two officers.

Q. And the sergeant was on his beat?—A. He was around the precinct going from one poll to another; there was only two different officers regularly detailed when I went there; I was the third officer.

Mr. POLLARD. I will ask the gentleman if he is done with his examination-in-chief, now?

Mr. DONOVAN. Yes, sir.

By Mr. POLLARD:

Q. Mr. Wilson, you say you can't state positively that it was about two o'clock; I wish you would tell me at what hour in the day it was that the captain of the police in charge at the office where you were stationed on election day was informed that there was a great deal of disturbance and trouble at precinct 39, and that it was necessary to send additional force there?—A. It was between two and four o'clock that was the statement I made before.

Q. That is as definite as you can make it?

By Mr. DONOVAN:

Q. Do you testify that there was a great deal of disturbance and trouble at that poll No. 39? Or that the captain feared there might be a great deal of disturbance there?

.. POLLARD. I object to the question as leading, and because it is injected into my cross-examination.

A. I stated, in the first place, that the captain told me to go down there; told me to go there and stay there for fear there might be trouble. I didn't ask why I was sent there.

By Mr. POLLARD:

Q. You also stated, unless I have forgotten your testimony, that the captain had received from the clerk some information to the effect that there was trouble, and considerable trouble at that precinct 39; and that acting upon that information, he specially detailed you to go there and assist the other policemen who were then there; did you not so state?—A. The clerk told the captain that parties had been complaining about trouble down at that poll; the captain turned 'round to where I was and said, "Wilson, go down there." I started off and come back and asked him if I should remain? He said I should remain there; all I can say about the time that happened is that it was between two and four o'clock.

Q. Do you know what parties so informed the clerk?—A. No, sir; I do not. I believe Mr. Sessinghaus himself was one; I was told so; I heard the clerk mention his name, as being one of the men who made the complaint.

Q. Mr. Sessinghaus is the contestant in this case, is he not?—A. Yes, sir.

Q. That information was received from the clerk?—A. He was not telling me directly; he was telling the captain of it.

Q. What other parties did the clerk mention as having complained about trouble at that poll?—A. I don't remember of his mentioning anybody else's name.

Q. Did he tell the captain when that information was received by him?—A. I don't think he did mention the time.

Q. Well, acting upon that instruction or order, you went to the poll and found a sergeant and two patrolmen there?—A. I did.

Q. Who was this sergeant that you found there?—A. Sergeant John Leonard.

Q. Who were the patrolmen whom you found there?—A. Officers Henry Kaiser and Collins.

Q. The two gentlemen who have heretofore testified in this case?—A. Yes, sir.

Q. And you remained there until the polls closed at night, did you?—A. Yes, sir.

Q. Beside yourself and these other three policemen there, there were at least two United States marshals at that poll, were there not?

43 —A. I believe there were two there; I never paid much attention to them—to these United States marshals. There was one man by the name of Welsh, and a colored man—I don't know his name—the colored man was drunk towards the close of the day; he was just full enough when I got there to make him talk big; and when the poll closed he was drunk.

Q. And besides all these men there was also a United States supervisor?—A. I don't know anything about him; they were inside of the polls; I don't know who they were, or anything about them.

Q. And besides those officers there was a registrar there, was there not?—A. I suppose there was.

By Mr. DONOVAN :

Q. And besides those there were the judges of election there too, was there not?—A. Yes, sir; there was.

Mr. POLLARD. I object to the question because it is leading.

Mr. DONOVAN. You well know that there is a supervisor at every poll, and a registrar at every poll, and two United States marshals at every poll in the city of Saint Louis; but you want to make out that all these men were there to make peace.

Mr. POLLARD. The information I have may not be in the possession of every member of the Forty-seventh Congress, and inasmuch as they and neither the gentleman on the other side of this case nor myself, are to be the judges in this contest, I deem it quite necessary that this evidence shall be taken.

Q. There were there, were there not, besides the officers already named, four judges and two clerks?—A. I told you I didn't look in at the window to see whether there was four or eight; I didn't look in the window at all; I was on the outside of the poll and did not go in the room, or look in to see what was going on within. I suppose there was the usual number, that is at every poll.

Q. Were these two additional United States marshals who Mr. Collins has testified about, sent there after, or before you arrived at that poll?—A. I don't know anything about their being sent there at any time; I never heard anything about them.

Q. And whether there were two or four United States marshals when you got there, you don't know?—A. No, sir; I do not know.

Q. Now, this fight which was had at this polling precinct or
44 immediately in that neighborhood, came off before you went there, did it not?—A. Yes, sir.

Q. You heard about it, did you not?—A. I heard them talking about it; yes, sir.

Q. And you elicited from individuals there who saw it the information that it had been occasioned by a white man endeavoring to identify a colored man, so he might vote?—A. I can't say; I don't remember why; what was the cause of the fight, I can't remember; I know there was a fight there, and I paid no attention to it much, for when I got there the officers told me that everything was quiet, and wanted to know what I come down there for. I told them I had been sent there. After that I paid no more attention to this fight that they had on that you wanted on the subject?—A. Yes, sir.
the street around the corner.

Q. Was this colored man—this Jo. Bailey, jerked out of the line of voters before or after you went there?—A. I don't know anything about that man.

Q. Was there any arrest made after you got there?—A. No, sir; not that I know of.

Q. The arrests that were made, were made before you got there?—A. Yes, sir.

Q. You say you saw Mr. Bensieck there, and he made some disturbance; did any one else make any disturbance that day?—A. I didn't say he made any disturbance; there was no disturbance there; he done a good deal of talking—loud talking; him and the marshal both, that negro.

Q. What were they talking about?—A. I never paid any attention to it; I never heard what their conversation was about.

Q. They were not endeavoring to deter negroes from voting?—A. No, sir; nor any white man either, that I seen.

Q. They were not creating any trouble, were they?—A. No, sir.

Q. And after you got there there were no negroes who voted or offered to vote, were there?—A. Oh, yes; the negroes were voting all the time.

Q. How many votes were polled after you got there?—A. I couldn't say honestly.

Q. Well, were there many, or very few; I don't expect you to tell the exact number?—A. I wouldn't like to state any number, because I haven't the slightest idea of the number. Men came up and offered to vote; some of them were challenged, and some of them went inside and registered; they took several of them inside; the number I couldn't say that went inside, or that voted there after I got there.

Q. Were there any colored men registered there after you went there?—A. Yes, sir.

5 Q. How many?—A. I don't recollect really; there were several taken inside; I don't know what was done with them. I suppose they were taken inside and registered. I don't know whether they were registered or not.

Q. Do you know whether a single colored man voted after you went here?—A. I do not know; they were going in there all the time; they were going up and passing along the line; the supposition with me was that they were voting all the time. But whether they did it, as a matter of fact, I can't say positively, because I was not stationed near enough.

Q. There was no attempt at that late hour in the day to deter anybody from voting—no challenging?—A. I saw several of them challenged—colored men.

Q. What reason was given for the challenge?—A. That they did not live at such a place.

Q. And then they were refused the privilege of voting?—A. Yes, sir; some of them; some of them were taken inside; what they did with them I don't know; registered, I supposed.

Q. But you know nothing of that of your own knowledge?—A. No, sir; I can't say sure; I supposed they went in there and registered and voted.

Q. Now, was not Bensieck trying there to get those colored men who were entitled to vote, the privilege of voting?—A. I don't know what he was doing; he was around there inside and outside; he was going inside of the poll, then he would come out and talk to the people outside.

Q. Was he a United States marshal there that day?—A. I don't know whether he was or not.

Signature waived.

CHARLES LANDERS, produced, sworn, and examined on the part of the contestee, depose and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name?—Answer. Charles Landers.

Q. How old are you?—A. Well, I believe I am about forty-two years old.

Q. How long have you been living in the State of Missouri?—A. Since I came out of the war; since the 19th of July, 1865.

16 Q. Were you in the army?—A. Yes, sir.

Q. Which regiment?—A. I was in the Illinois cavalry, of Bloomington, Illinois. I have lived in the city of Saint Louis since I married, which was the twenty-first day of October, 1861.

Q. Were you ever registered?—A. Yes, sir.

Q. Where were you living when you registered?—A. Well, I voted on my discharge from the army when I was working between Main and Second street and Florida and Mullanphy, in the alley.

Q. Did you ever go to the city hall and get registered?—A. Yes, sir.

Q. What was the number of your house and on what street?—A. 1436 Collins street.

Q. Now, did you move from that house?—A. Yes, sir.

Q. Where did you move to?—A. Across the street to 1447; I moved from 1436 Collins street to 1447, from the east to the west side, and a little north.

Q. How long before the election did you move there?—A. I moved the first day of July; I went out of rent the first of July, 1878; then I went out of rent.

Q. Did you go to the city hall and obtain a transfer from 1436 Collins street to 1447 Collins street?—A. Yes, sir; I think about four or five days or a week after.

Q. Did you obtain that transfer?—A. Yes, sir.

Q. Did you go to the polls on election day?—A. Yes, sir.

Q. Where were those polls?—A. They were up on Broadway; east side of the street, between O'Fallon and Cass avenue; east side of the street.

Q. Did you offer your ballot there; did you offer to vote there?—A. Yes, sir.

Q. Were you permitted to vote?—A. No, sir; they looked over the book and told me my name was not on the book; I says my name must be on the book; I says I don't see why it shouldn't be on your books; I am still in the same neighborhood that I have been in for twelve years; I says you must have made some mistake there; look again; they looked again but they couldn't find it; they said my name was not there at that place and I couldn't vote there; I says, "must I go back to the precinct where I was at before?" So some men inside, I expect the judges all know me—they mostly always do—some one took down my vote on a piece of paper, and put down where I lived; and that is all I could see through the window.

Q. Did they put your ballot in the box?—A. No, sir; not that I know of.

47 Q. Who was on your ticket for Congress? Did you vote for Frost for Congress?—A. I voted the Hancock and English ticket—the Democratic ticket.

Q. The straight Democratic ticket?—A. Yes, sir; no scratch; I was a Democrat on the 8th of July, 1864, when I was four days without grub.

Q. How did that happen?—A. We were after Price when he came here, and we got out of provisions. I was in the Federal Army—the United States Army.

Q. You were pursuing Price?—A. Yes, sir.

Q. Well, they took your ticket and didn't put it in the box, so your vote was not counted?—A. They put my name on the paper; I didn't see them put it in the box.

Q. Did they put it on the table or in an envelope?—A. I didn't watch where they put it, because I thought it was all right after they took my name down that way—my name and where I lived.

Q. Your name was not on the registration sheets?—A. No, sir; I had it transferred, that is, before this last election; I went up and had my name put down again from the same number, 1447, and yet I was in-

formed that I was struck off. I was in hopes to be struck off again, as I was before this last time.

Q. You say you were in hopes of being struck off again; what do you mean by that?—A. Yes, sir; I was at the Four Courts, and I didn't think it was worth my while to go up there, because I didn't think my name would be on that list.

Cross-examination by Mr. POLLARD:

Q. Mr. Landers, you are a police officer?—A. Yes, sir.

Q. And have been for fourteen years?—A. No, sir; twelve years if I live to the first of September next.

Q. You were well known in that part of the city?—A. Yes, sir.

Q. Thoroughly well known?—A. Mr. Oppen, who keeps the Columbia House on Cass avenue, and John P. Milligan—they all know me.

Q. Do you know why your name was struck off the list?—A. Not to my knowledge.

Q. Have you ever voted since you moved to 1447 Collins street?—A. Why, I have.

Q. Before this last November election?—A. Yes, sir; all the time until that election.

Q. Now, what election did you vote at before this last November election, after you moved to 1447 Collins?—A. Well, sir, I voted—we had two elections here for mayor preceding this election, and then I voted for councilman in my ward at different times.

Q. That is, while you were living at 1447 Collins?—A. Yes, sir; since the first of July, 1878. I am living there all the time since that first of July.

Q. You went to the polls on last November election day on the east side of Broadway, between O'Fallon and Cass avenue?—A. Yes, sir.

Q. How far is that place where those polls were from 1447 Collins street?—A. Well, I don't exactly know the number; I think it was about—I live on Collins street, on the west side, and the polls were on the east side; I think it might be a block. My voting precinct, to the best of my knowledge, was No. 38, running from the north side of O'Fallon street—I may be wrong for all I know; I think that is right, though I won't be sure—and the east side of Florida street; from the east side of Broadway to the river; I think that was my precinct. That was precinct No. 38. Now, mind me, sir, I might make a mistake in a block or so; but I think that is right.

Q. Well, you went to the polls that day, and after a little conversation with the judges of election you thought that you had straightened the matter out, and you handed in your ballot and went away?—A. I seen him enter up my name; they took it down on a piece of paper; they took my name and where I lived on a piece of paper.

Q. You handed in a ballot?—A. Yes, sir; then I went back after that to see what they had done with it; they said it had gone to the United States court; I didn't know then where it was. They told me it was down in the court-house—in the custom-house.

Q. Who told you that?

Q. Where you registered there at the city hall?

Q. But when you handed in your ballot there the judges told you it was all right?—A. They didn't tell me anything; they took my name down; I says that I wanted to vote, that I was a resident and was living there; so they took down my name and number, and then I handed in my ballot; they didn't say not one word, except that my name was not on the book.

Q. Was that after they took your ballot?—A. Yes, sir.

Q. They told you your name was not on their books?—A. Whilst they were looking after they took my ticket; there was a fellow at the window, he took my ticket, and he and the other fellow looked for my name; then he says, "I can't find it." I says that was curious
49 that he couldn't find my name. So I told him there was some mistake about it, to look again, that my name must be there. I says I wanted to vote there, I have only a short time to stay there, I couldn't run all over the neighborhood for some other place to vote; that that was my place, and I ought to vote there; my name must be on the list. Then he says, "Where do you live?" I says, "1447 Collins street." I gave him my name in full, and 1447 Collins street, and he took it down.

Q. Then you handed in your ballot?—A. The clerk, or whoever it was, had it; I never seen him put it in the box.

Q. You didn't see him do anything else with it?—A. No; I went on then; I was told that my vote was not put in; I was told a week or two after that my vote was not put in.

Q. Who told you that?—A. A party by the name of Sheehan, and some fellows that was around there; they told me that I didn't have no vote; that I was no citizen at all.

Q. Do you know why you were stricken off the list?—A. No, sir; I don't know of my own knowledge why I was struck off the list.

Q. What reason has been assigned for your name being stricken off the list?—A. I never spoke to the judges since, or asked them about it.

Q. Who was the reviser of that ward?—A. I don't know.

Q. What ward is that in?—A. The Fourth; it is the old Tenth.

Q. Mr. Lauman was the reviser, was he not?—A. I don't know who it was; I heard them say that it was a man that belonged to the Democratic party—that it was somebody that belonged to the Democratic party.

Q. You are a Democrat?—A. Well, yes; there is just as good men on the other side; sometimes I vote the Democratic ticket mixed, if they aint got good men.

Q. You voted for Mr. Frost?—A. I was voting for the Hancock and English ticket; for Frost and Morgan Boland.

Q. Well, now, on that ballot which you handed in, was it not headed: The Hancock and English Independent ticket?—A. No, sir; it was the regular Democratic ticket.

Q. Well, then, please state how it was headed?—A. It was headed the regular Democratic ticket.

Q. Was it the Hancock Independent ticket? Was that the way it read?—A. No, sir; there was no Independent on it.

Q. It was the Hancock and English regular Democratic ticket?
50 —A. It was headed the regular Democratic ticket.

Q. Was Hancock and English's name on it at all?—A. Well, I know Frost's name was on it, and Boland's.

Q. Whether Hancock's name was on it or not, you don't know?—A. To the best of my knowledge it was on; but I would not be positive; but I know that Frost's name was on it, and Boland's name, because I made it my particular business in voting the straight Democratic ticket, to see that their names were on it; there were no scratches on it; that was the ticket I wanted to vote, and know I did vote; Hancock was a soldier on the same side with me, and I was bent on giving him my support; he would take good care of us.

Q. He couldn't have taken a very great care of when you were left

four days without "grub."—A. Oh, well, that wasn't his fault; our colonel ought to have seen to that.

Q. Who was your colonel?—A. Col. Bentine; he was my colonel then; I was at that time in the 10th Missouri Cavalry, and was taken prisoner.

Q. Where were you on duty on that day; on election day?—A. I was in a very quiet place; I was mighty close to Ninth and Pine, on the north side of the street.

Q. Who was on duty at this poll where you went to vote; what policeman?—A. You can't prove that by me; I think it was Dick Snow; the one that Col. Armstrong caught smoking when he was on duty; I remember Snow says, "I was caught on account of it, and was fined."

Q. Well, what other policemen were there?—A. I don't know, sir; I don't know whether there was any other policeman to my knowledge there or not.

Q. What was the number of that precinct?—A. Thirty-eight, I think; I think it was thirty-eight; I never keep much account of anything except police duty.

Q. How far was that polling place from precinct 39 polling place, which is on the east side of Broadway, near Hempstead street?—A. Well, Hempstead street—some of the names of those streets have been changed, and I have forgotten the names now.

Q. Well, this polling place for precinct 39 is on the east side of Broadway, near Hempstead street, between that street and Lebaume street?—A. From where I live, on the east side, there is Cass avenue, Florida, Mullanphy, Howard, and Mound streets.

Q. That is four blocks?—A. Well, I don't know how many blocks; I don't know where Hempstead street is.

Q. Well, to Mound street, then?—A. Mound, I know.

Q. Where is Lebaume street?—A. I tell you there is Cass avenue, Florida, Mullanphy, Howard, and Mound streets; those are the streets I believe; I may be mistaken.

Q. And Lebaume is the next street, is it not?—A. I believe Lebaume is next, where the marble yard is.

Q. Are there many colored men living in that precinct where you vote, precinct 38?—A. Well, there is one living across the street from me.

Q. Are there any others living in that precinct to your knowledge?—A. Yes, sir; there is some living in Cass avenue, right across the street there; on the south side; there seems to be a good many living in that neighborhood. I was never in their houses while I lived there.

Q. You don't know then whether there are many or few?—A. No, sir; some of them are away a good deal working on the river; that is, his man that lives across the street from me, he works on the river; he is living in a frame building, the only frame building in that block; the houses are numbered 1440 and 1438. I didn't pay no attention to the frame house.

Q. And you never endeavored to ascertain from any source the reason you were stricken off by the reviser?—A. I never paid much attention to that; I never heard it talked about; I never showed it would come up in court.

Q. You did hear some reason, though?—A. Yes, sir.

Q. What reason did you hear?—A. I heard that this Democrat was fired by the Republicans to strike off Democrats.

Q. Who told you that ?—A. Jere Sheehan; he is a fellow that lives up there.

Q. He is a Republican, isn't he?—A. I don't know; I don't believe he would be anybody's man.

Q. He is a pretty prominent Democratic politician?—A. He might be; he is never strong on any party; he gets votes wherever he can; I see him now employed here on both parties.

Q. And he said you were stricken off because you were a staunch, straight Democrat?—A. Well he says, this was a Democrat that struck me off, but that he was hired by the other party to strike off the Democrats.

Q. You are a well-known Democrat up there?—A. Well, I don't know whether I am or not; but I can't be bought by no party; if there is a good man on the Republican ticket, and I like him better than the man who is on the Democratic ticket, I vote for the Republican.
52 There is very few know what ticket I vote; I think that is my own business. If you are on a Democratic ticket, and I consider you better than the candidate on the Democratic ticket, I vote for you. I voted for Hudson for mayor, and he was a Republican.

Q. Well, you voted for Overstolz last Tuesday?—A. I don't know that that matter comes up here; all I know is that I could find very few Overstolz Democrats that morning.

Signature waived.

At this point a recess was taken until two o'clock.

AFTER RECESS—2 o'clock.

JAMES ROACHE, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name, please?—Answer. James Roache.

Q. How old are you, Mr. Roache?—A. I am about forty years of age, sir.

Q. How long were you connected with the sheriff's office here in the city of Saint Louis?—A. Four years and more; no, not quite four years.

Q. Where do you reside?—A. At 4346 North Twelfth street.

Q. That is out in the vicinity of the Water Tower?—A. Yes, sir.

Q. Near Bellefontaine avenue?—A. Not Bellefontaine avenue; it is about three miles north of it.

Q. What is the locality there?—A. It is near Grand avenue, between Ferry and Bissell, on Twelfth street.

Q. Have you been in my employ in this Sessinghaus-Frost contest?—A. Yes, sir.

Q. What to do?—A. Serving subpoenas; I was handed a list to go around and see if I could find out those parties that couldn't be found by the letter carriers in their districts.

Q. How did you come to be handed a list of names to inquire as to the residences of the parties on it?—A. I suppose because I was acquainted, having lived there for many years in that neighborhood; I knew the greater portion of them.
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Q. I was about to hand that list to somebody else, was I not?—A. Yes, sir.

Mr. POLLARD. I object to that question for the reason that it is immaterial.

Mr. DONOVAN. I handed you that list on your telling me that you are intimately acquainted with most of the parties ?

A. Yes, sir.

Mr. POLLARD. I object to that question, because we do not care to this record with conversations had between the counsel and his witness.

By Mr. DONOVAN:

Q. Do you know whose list it was, the major portion of it ?—A. Well, now only from hearsay.

Q. Do you know J. B. Nichols ?—A. Yes, sir.

Q. A letter carrier ?—A. Yes, sir.

Q. Was it his list ?—A. That is what I understood.

Q. Well, J. B. Nichols, this letter carrier, reported that he could not deliver any mail matter to Peter Ennis, O'Fallon avenue, between Thirteenth street and Fourteenth ; what did you ascertain in regard to Mr. Ennis ?

By Mr. POLLARD:

Q. How do you spell that name ?—A. E-n-n-i-s ; I ascertained that he was living between Thirteenth and Fourteenth street, and had been living there for over a year, but was living about two blocks west of Curran street ; Curran street and O'Fallon avenue.

By Mr. DONOVAN:

Q. He lives in this immediate vicinity, O'Fallon avenue, between Thirteenth and Fourteenth street ?—A. Yes, sir ; I found out from parties who live on O'Fallon avenue, between Thirteenth and Fourteenth street, that Mr. Ennis has been living on the corner just two squares west of it.

Q. This is somewhat of a country district out there ; is it not ?—A. Yes, sir.

Q. How are the streets up there ; are they actual streets, or are they simply on paper ?—A. Well, they are set out, but there are only three or four avenues there ; Curran street would properly be Sixteenth street.

Q. Well, he testified that John Powers, on the south side of Bellefontaine avenue, west of Bellefontaine Road, near Bircher avenue, was within the reach of the postal service, or at least could not be found ; there was no such house ; what is your information regarding Mr. Powers ?—A. My information is that he lives there, and owns his own property, and has been living there for some time ; I don't know the exact time.

Q. This same letter carrier made a report in regard to Walter L. Graydon, that there was no house on the south side of Bellefontaine avenue, between Bellefontaine road and Saint Louis avenue ; what is your information in regard to the gentleman ?—A. Yes, sir ; I know

Q. How long have you known him ?—A. I have known Graydon for about fourteen years.

Q. Do you know this particular house that he lives in ?—A. I went there about two or three times in his house.

Q. How long has the house been right there in that spot ?—A. For about fourteen years, to my knowledge, and it is the only house on that place ; as about four squares ; there is no house but that.

Q. Does not J. B. Nichols, this letter carrier, know that fact as well as you ?

Mr. POLLARD. I object to that question because of its absurdity; because the testimony already introduced by the gentleman and put into this record was to the effect that Mr. Nichols did not deliver mail within a mile of that place, and that statement was made by Mr. Graydon himself.

Mr. DONOVAN. No, but the facts are that this letter carrier had a letter addressed to Mr. Graydon; that he carried it out there and brought it back again with his mail; and Mr. Graydon himself was on the stand and said that this man had known him for a great many years; that he was a lodge brother of his, and that he knew very well where he was living; that he knew him well, and knew just exactly where his house stood and where he could find him if he had desired to leave any mail for him.

Mr. POLLARD. The letter carrier's testimony simply was that he sought to deliver a letter at the place from which Graydon registered himself on the registration books, and that there was no such place as that; which place so looked for was on the south side of Bellefontaine avenue, between Bellefontaine road and Florissant avenue; and 55 he reported that there was no such house in that place, and necessarily that Mr. Graydon didn't live at that place, from which his name appears registered on election day.

The WITNESS. The house has been there for fourteen years, to my knowledge; Graydon, I know, had been living in that identical house for ten years and more; I have been to many a party at his house.

By Mr. DONOVAN:

Q. So it is not true that there is no such house?—A. No, sir; there is no other house there but that house; it is a frame cottage house.

Q. Now, he further reported in regard to Robert Maher, on the north side of College avenue, near Fourteenth or Anna street—reported that there was no such house, or that he couldn't find him, or he was not within the reach of the postal agents on that route; what is your information?

Mr. POLLARD. I object to that question, because it misstates the testimony of Mr. Nichols in this case; if the gentleman will embody in the question the evidence that Mr. Nichols gave I shall not raise a single objection to it.

By Mr. DONOVAN:

Q. He could not find Robert Maher on the north side of College avenue, near Fourteenth or Anna street; what did you find?—A. I learned that he lived between Anna street, as I am informed—that is Anna street; I could not tell the streets there; there is nothing to indicate the streets except vacant lots; I learned that he lived on north side of College avenue, about two squares west of Fourteenth street, between Anna and Florissant avenue.

Q. How long has he been living there?—A. Well, I have known him to be living there ten years myself; it is his own property.

Q. The letter carrier had the same facility to find him as you had he not?—A. I think so.

Q. Well, this same efficient agent of the postal service, acting under instructions, could not find John Owens, College avenue and Gratiot or Currau street; what did you learn?

Mr. POLLARD. I object to the question, for the reason that there is no evidence of anything of the kind in this record; it is not a fact either that this letter carrier Nichols was acting under instructions, and there is no evidence that he did not find Mr. John Owens at the place.

indicated in the question of the gentleman, but simply because the letter carrier swore that he did not reside at the place where stated he resided when he registered his name and offered to vote, wit, Fourteenth street and College avenue.

By Mr. DONOVAN:

Q. What did you ascertain regarding this same John Owens?—A. I that he lives on the corner of College avenue and Curran street, and lived there for twenty years.

Q. Was he not an intimate acquaintance of this efficient letter carrier?

A. Well, I couldn't say that he is; his brother is a letter carrier, and an intimate acquaintance of Nichols. I couldn't say whether John is not.

Q. Why did he make this dastardly report that John Owens was not found there?

Mr. POLLARD. I object to that question for several reasons: First, this witness does not know why the letter carrier made such a report, or whether he made any report. Second, because the letter carrier did not make any dastardly report whatever. His only report, stated before, was that John Owens, who had registered from College avenue and Fourteenth street, did not reside there, and now this witness himself supports that statement.

By Mr. DONOVAN:

Q. What reason did he give for making this dastardly report; that he could not find John Owens?

Mr. POLLARD. I object to that question, for the reason that the letter carrier made no such report—that he could not find John Owens; and because he did not make any dastardly report.

By Mr. DONOVAN:

Q. Did he give you any reason for not finding John Owens?—A. He told me he done it for a joke. I asked him what the cause was, and he told me he done it for a joke.

Q. Well, you regard joking under oath as rather a serious piece of business where people's rights are involved?

Mr. POLLARD. I object to that question for the reason that it is immaterial and irrelevant.

WITNESS. I think I made such a remark to him at the time, that I didn't think it was a very nice joke if I had to swear to it.

By Mr. DONOVAN:

Q. You say this same John Owens is a letter carrier himself?—

A. No, sir; he has a brother, Edward, who is a letter-carrier; and he is a molder.

Q. Now, he reported that no such party was in that neighborhood—there was no such house—as George Gunsollis, west side of Bellefontaine road, north of O'Fallon avenue. Now, could you find him?—A. No, sir.

Q. Where did you find him?—A. I seen him—I met him on Ferry and Broadway. I asked him where he lived; and he told me he lives in the same place, Hickman's row, west side of Bellefontaine avenue, near O'Fallon avenue.

Q. Now, how long has he lived there?—A. Two years. He says he lived there over two years.

Q. Do you know whether or not Nichols is personally acquainted with him?—A. I think he is.

Q. He is a man well known in that section of the country?—A. Yes, sir.

Q. Well, he made some prejudiced report regarding Fred. Young, on Third between Hall and Talcott avenues. What is your information as to when Fred Young moved from his residence at this point?

Mr. POLLARD. I object to that question, because it is not true. He did not make any prejudiced report whatever about Mr. Fred Young, or any other individual, and the gentleman well knows it.

WITNESS. Fred Young told me he lived there up to the day—

Mr. POLLARD. I must again object to that. It is the clearest hearsay testimony, and not admissible. Why doesn't the counsel for the contestee bring Mr. Young here as a witness? He would certainly be the best witness on that head.

WITNESS. (Continuing.) He told me that he had lived there up to the day after the election. That he moved the day after the election to Grand avenue, on Third street near Grand avenue.

By Mr. DONOVAN:

Q. How long had he been living at this place of residence on Hall and Talcott avenues?—A. Well, I think he lived there over a year, because he was constable of the Twenty-third ward, and a constable has to live in the ward.

Q. Is he living there yet, in that ward?—A. Yes, sir; he is partly residing there yet; in that ward; in that neighborhood.

Q. Do you know whether J. B. Nichols knows him or not?—A. I think he does.

58 Q. He made a prejudiced report regarding James Laferty, east side of Bellefontaine road near Ruth street. What is your information?

Mr. POLLARD. I must again object to that question, because it is not true, the statement contained in it. The counsel maliciously and willfully misstates the testimony given in this case. He does it only for the purpose of prejudicing the minds of the triers of this case against the witness Nichols.

By Mr. DONOVAN:

Q. Let us have your report?—A. I found Laferty—

By Mr. POLLARD:

Q. How do you spell Laferty?—A. L-a-f-e-r-t-y. He told me himself that he had been living with his uncle at that number; he had been down South and come back in October, and had been here during that time living at that place with his uncle, John Kane.

By Mr. DONOVAN:

Q. The same letter carrier, under instructions, makes a similar report regarding John Sweeney, on Hall avenue and Main street. Could you find the gentleman?

Mr. POLLARD. I object to the question, for the reason that the letter carrier did not make any prejudiced report, and because he made a report under instructions.

A. I found that he had lived there. I don't know whether you could call it Main street or not. I don't remember what streets it is on. The streets up there are not cut through, but it is certainly in this neighborhood. I found him quite easily. He has been living up there for years. Everybody around there knows him. There is a large family of them and have been there for years.

By Mr. DONOVAN:

Q. After this gentleman has been on this route for so many years he ought to know as much about it as you do?—A. Yes; he ought to know as much about this man.

Q. A very similarly prejudiced report was made by this letter carrier, Mr. Nichols, regarding John Finn, Bellefontaine road, between Pope and O'Fallon avenue. What is your report regarding the gentleman?

Mr. POLLARD. I object to that question, for the same reasons as before. The counsel is endeavoring here, in every question which he asks, to insert in it, either as a premise or as a conclusion, that

Mr. Nichols, the letter carrier, swore to a lie when he was on the stand, when the counsel well knows that Mr. Nichols's testimony has been contradicted in the least by any witness whom he has put on the stand. He was simply asked the question whether these divers letter carriers did live at the places from which they had registered on election; and his sworn testimony, in every instance, has been corroborated by the subsequent testimony elicited from witnesses put on this stand by the counsel for the contestee. It has been shown, and conclusively shown, that they did not live at those places.

Mr. DONOVAN. From all the testimony of the contestee it had been unquestionably proven that these letter carriers, Mr. Nichols and all the others, went onto the witness stand for the contestant in this case, allowed themselves to be degraded by some of the officers of the postal service here, either from fear or favor or hope of reward, and these letter carriers have been invariably contradicted in their partial reports, giving a part of the truth and concealing the balance, and have become a stench in the nostrils of all well-meaning men for permitting themselves to be used by people, in connection with their office, in a political contest or squabble.

Mr. POLLARD. It is well known that the counsel for the contestee, and most of the members of his party, think that it is utterly wrong and improper for any man to attempt to prohibit a Democrat from voting at several different polls and from several different residences, and several different names, all at the same election, and he immediately finds any man who attempts to ferret out that fraud as a bad man, and he and his whole party at once are ready to fly into arms if the government, or any branches of the government, attempt to make pure ballot-box, or attempt to prevent the well-known frauds that are perpetrated upon it.

WITNESS. I found out that Finn was living, and had been living at that place for four or five years.

By Mr. DONOVAN:

Now, this honest, faithful, impartial, and disinterested agent of the postal service, in the simple performance of his duty, makes a biased report regarding Thomas Finnerty, Second and Talcott avenue; he could not find him; reported that there was no such house there. Now, could you find him, and for how many years was that man living at that identical place?

Mr. POLLARD. The counsel for the contestee does desire, having no other witnesses to examine except the one on the stand, to fill his record with the spleen of his party, and because we have endeavored to unearth some of the frauds which were perpetrated in the name of Democracy, he grows very eloquent and witty at any such witness. He well knows that none of these letter carriers overstepped the bounds of their sworn duty in making a delivery or an attempted de-

livery of any mail matter intrusted to them, but that they did their whole duty, and when they went on the stand that they swore not only to the truth, but the whole truth, and nothing but the truth.

By Mr. DONOVAN:

Q. How long did you find that this man Finnerty had been living there on the route of this letter carrier, Nichols; or where you did find him, how long had he been living there?—A. I found him living on Main, very near the Sessinghaus mansion, on the corner of Second and Talcott avenue; they call it the Sessinghaus mansion; it has been there as long as I can remember; this man is well known there.

Q. Mr. Nichols knows him as well as you do?—A. I think he knows him better; I don't know much of him; I know him, and that is all.

Q. Now, this same faithful servant of the post-office department here, seeking only to do his duty and what is absolutely right, as he knows it, in the discharge of that duty, reports that he cannot find on his route John Mulqueen on the north side of Clarence avenue, between Third and Fourth streets; could you find him?—A. Yes, sir.

Q. How long has he been living there?—A. He has been living there for four years, at least; he has been living around there for ten years, and I think his father built him the new house that they are now living in.

Q. How is it possible that Mr. Nichols should not know these facts as well as you; ought he not to know them better?—A. It certainly would look that way; he travels over that ground more than I do, I suppose.

Q. Were you talking to any of these gentlemen about these reports of Mr. Nichols to the effect that he failed to give information regarding these parties; that these gentlemen were not up there to whom these letters were addressed?—A. I was talking to some of them.

Mr. POLLARD. When the gentleman has finished his question I want to know it, inasmuch as he sees fit to reprove me when I
61 open my mouth until he has come to a complete stop.

Mr. DONOVAN. I must say that the counsel for the contestant is in a desperate strait for a grievance; I do not know why he injects that remark here at this point; I was not objecting, or saying anything; he seems to court something that would enable him to make a speech, which I will now give him an opportunity of doing if he sees fit.

Mr. POLLARD. I simply wanted to object to the question on the ground that it is leading, and as calling for hearsay testimony, and therefore manifestly incompetent and improper.

WITNESS. They said that J. B. Nichols knew them well—those that I spoke to.

By Mr. DONOVAN:

Q. Many of them were incensed, were they not, at his report?

Mr. POLLARD. I object to that question, for the reason that it is immaterial, irrelevant, and also as incompetent and hearsay testimony.

By Mr. DONOVAN:

Q. What did they say to you?—A. Young says, "Why, Nichols is a d—n rascal; he knew where I could be found." Laferty said something similar, I think, and Gunsollis says, "Nichols knows me better than you do; he knows where I live." And I think Graydon said that Nichols delivers his mail to him; also that he is a lodge brother of his, and very well knew where he lived. Those were the only parties, I think, that mentioned Nichols's name.

Q. Now, Mr. Pollard has used a directory here for want of better testimony to put in; have you compared these names that I have asked you about with the last city directory; the one that was issued but a few days ago?—A. Yes, sir; I compared where the parties lived in the city directory, and I find it is correct; but the addresses as given in this original list does not correspond with the directory. Now, John Finn, for instance, Bellefontaine road, between Pope and O'Fallon avenues; that is not where Finn lives.

Q. He is living in this same place for many years?—A. He is living in this place where I have put it down for several years.

Q. How long has he lived in that same place?—A. Nearly six years; Bellefontaine road—east side of Bellefontaine road for six years.

Q. How long has Finnerty lived at the same place?

62 Mr. POLLARD. Make your question fuller.

WITNESS. Finnerty has lived within one block of that place for at least ten years.

By Mr. DONOVAN:

Q. How long has he been living at that particular place?—A. His mother told me it was not very long; not over three years.

Q. And how long has Mulqueen been living at the same place?—A. He has lived there at this place for four years.

Q. How long has Owens lived at the same place?—A. Twenty years.

Q. How long has Robert Maher lived at the same place?—A. Twelve or fourteen years anyway; there is not anybody in that neighborhood that does not know those parties and well, too.

Q. And you knew most of them personally?—A. Yes, sir; I copied this list once for McHenry when he was recorder of voters, and I copied all them for three years for the revisers.

Cross-examination by Mr. POLLARD:

Q. Mr. Roache, you have been employed on behalf of Mr. Frost for the last several weeks, have you not?—A. Yes, sir.

Q. What have you been doing?—A. Serving subpoenas.

Q. Anything else?—A. No, sir; nothing but looking after these lists that carriers had, and which they reported they could not find.

Q. How many lists did you look over?—A. This one only.

Q. How many names were on that list when it was given to you?—A. I couldn't tell you; I never counted them. I will count them now. There are eighteen names on this list.

Q. Did you find one single, solitary man on that list residing at the place where that letter carrier, Nichols, said he did not reside?—A. Yes, sir.

Q. Who?—A. Gunsollis and Graydon.

Mr. DONOVAN. Let him answer the question; he is going to tell you.

WITNESS. You want the exact place?

63 Mr. POLLARD. My question was—let the notary read it again, because I do not wish to mislead you.

(Question is read by the notary.)

WITNESS. I understand you; you mean at the places where this list called for them.

Q. That was not my question at all; I thought you were too ready to answer altogether. My question—and I will propound it again in precisely the same words as I did before, if I can—was: How many of those men on the list which was furnished to you did you find residing at the place that this letter carrier swore on the stand did not reside at those places?—A. I don't know what he swore to, sir.

Q. Well, that is just what I thought. You didn't hear the letter carrier testify, did you?—A. No, sir; I didn't understand the question that way.

Q. Well, I thought you didn't. Now, sir, you found John Mulqueen residing on the north side of Clarence avenue, between Third and Fourth streets?—A. I don't know where Third and Fourth streets are; I don't believe they know themselves—the people that live up there; there is no street running through, except a man would have a plat to find out the exact locality of the lots and where the streets are to go through.

Q. Now, where did you find him as residing—John Mulqueen?—A. I found him residing on the north side of Clarence avenue, between, what his mother told me, was Third and Fourth streets; I couldn't tell whether it was Clarence avenue or not; but it is in that neighborhood, because Clarence avenue is to be found near there; they said it was Clarence avenue, between Third and Fourth streets.

Q. Are those streets worked there?—A. No, sir; they are not.

Q. Who do you suppose knows better where those streets should run; you or the letter carrier, who testified that he had been on that route—traveled it daily—two or three or four times daily for many years last past?—A. Well, I suppose he ought to know better; I knew the place when there was no house on it, or any avenue near it; before it was laid out in lots.

Q. And you don't know where Third and Fourth street run there?—A. No, sir; I couldn't tell you where Third and Fourth streets run out there.

Q. Now, where did you find this man Laferty?—A. He is boarding at 4300 Broadway now.

Q. Where was he living on election day?—A. He was living with his uncle, John Kane, opposite the south gate of the O'Fallon park.

Q. On election day?—A. Yes, sir.

Q. How long had he been living there?—A. That I couldn't tell you; he come back in October; he has been living in that neighborhood for years; he was residing in that neighborhood.

64 Q. Do you know when he went South?—A. No, sir; he went down with horses, he told me, for his uncle; his uncle is a horse dealer, and ships horses South; he makes, generally, three or four trips a year down and up.

Q. His uncle does?—A. Yes, sir; and he goes with him.

Q. Did you learn when he went South, or how long he staid when he went out?—A. No, sir.

Q. And you don't know of your own knowledge?—A. No, sir.

Q. You learned that he returned some time in October?—A. Yes, sir; some time in October.

Q. And how long he had been gone, you know nothing whatever about?—A. No, sir; I couldn't tell you.

Q. His uncle lives on what place, please?—A. On the east side of Bellefontaine road, near Ruth avenue, or Ruth street; it is nearly opposite Hickman's row, and nearly opposite the east gate of the O'Fallon park.

Q. What is his uncle's name?—A. John Kane.

Q. And Mr. Young told you that he lived at one place until after the election, the day after the election, when he moved?—A. Yes, sir.

Q. Where did he tell you he lived on the day of the election?—A. At the number given on this list.

Q. Do you remember what that number is without referring to your list?—A. No, sir.

Q. Who made that list?—A. I don't know, sir.

Q. Did you read from it in your answers?—A. No, sir; I did not.

Q. You did not read from it?—A. No, sir.

Q. You are not able to tell the number, then?—A. I know the neighborhood, but I couldn't just exactly tell you the number on the street, the street itself; it was Second street that he had been living; on Second street near Talcott, I think. I had been to his house once or twice when he was living there.

Q. How were you able to give the address to the counsel for the committee when he asked you concerning these names, if you didn't read from that paper, you now being unable to give me the addresses without reference to the list?

Mr. DONOVAN. For the very simple reason that I didn't ask him for any address.

WITNESS. He didn't ask me for any address.

By Mr. POLLARD:

Q. He did not ask you for any address?—A. He asked me how many persons they had lived there, but he did not ask me the numbers or the address.

Q. And you don't know without reference, do you?

WITNESS. Which one do you mean?

COUNSEL. Any paper that you have there.

WITNESS. Which name do you want?

COUNSEL. Fred Young.

A. Third, between Hall and Talcott avenue; I told you before that he lived on Second street, near Talcott avenue.

Q. You have just read that here?—A. That is not on this paper.

Q. Then how do you know it is Third street and not Second?—A. I saw it on this paper; I made my report after I seen Young.

Q. When did you make that memorandum on that paper that you had in your hand?—A. Last week; I made it here in Mr. Donovan's office; I made this investigation last week.

Q. What time last week?—A. The latter part of the week; some of the early part of the week.

Q. You made this memorandum here some time after the investigation was made?—A. Yes, sir; I made the memorandum on this original list on purpose; if I couldn't find out anything about a man I would so state it then and there while I had the matter in my mind.

Q. You have been testifying from this list that you made some time during the last of last week in Mr. Donovan's office?—A. I am testifying from personal knowledge more than anything else.

Q. But when I asked you the question just now you had to turn to a paper in order to answer my question?—A. Yes, sir; as far as Fred Young is concerned, I had.

Q. Now, if you will lay aside your paper for a moment we will see how much personal knowledge you have got about all these matters; you tell me where John Sweeney now lives?—A. John Sweeney lives on Main and Hall avenue; that is what his brother told me was the name of the street.

Q. His brother told you that?—A. Yes, sir.

Q. And that is all you know about it?—A. He was asleep at the time as there; he is a watchman that works in the glass-house at night; I wanted to know was whether he lived there and how long.

66 Q. Why didn't you go to this man John Sweeney's house and see him himself?—A. I was at the house—at his house, seen him in his bed; I saw John Sweeney in bed; I didn't wake him up; I talked with his brother; John had been working night and was asleep.

Q. His brother told you that he lived on Hall avenue and 1 street?—A. Yes, sir.

Q. How far is that from Wilkinson avenue, between Second Third streets?—A. Wilkinson avenue—well, I guess it is about squares; there is Hall, Talcott, and Wilkinson; they are the next squares to each other; they are the only avenues that run from Lowell.

Q. Do you know how long he had been living on Hall and Main?—A. I do not. I know that he has been living for five or six years in that neighborhood, of three blocks, but I couldn't tell exactly where.

Q. Isn't it true that when he registered specially on election day he registered from Wilkinson avenue, between Second and Third streets?—A. He may have.

Q. And isn't it true that he resided there on election day?—A. I couldn't say; his brother told me that he had been living there nearly a year.

Q. Well, he registered from the other place, that is why we treat these matters ought to be investigated; if a man registers from one place and votes from another, and also from the place from which he registers, it strikes the counsel, on this side of the case, as being slightly irregular. Where does John Finn live?—A. John Finn lives east of Broadway, immediately opposite the O'Fallon Park; east of Bellefontaine road, I mean; it is on Pope avenue.

By Mr. DONOVAN:

Q. You are giving all this testimony, without any reference to paper just from your knowledge?—A. Yes, sir.

By Mr. POLLARD:

Q. Did you not testify, in your examination-in-chief, that he did live at the place which was designated on that paper?—A. I said he did not live on the east side of Bellefontaine road, between 1 and O'Fallon avenues.

Q. You found him at some other place?—A. Yes, sir.

Q. And you found that Thomas Finnerty was not living at the place designated on the paper given to you?—A. I found him, of course.

67 Q. You testified in chief that he was living a block from the soap-grease factory; but the character of it got so bad they couldn't live there any longer; then they moved away down near the Sessinghaus mansion.

Q. Where is that?—A. Second, or Main and Talcott avenue.

Q. Which corner?—A. On the southwest corner.

Q. You don't know whether it is Second or Main street?—A. If it is a railroad street; if you know what street the railroad occupies then I will have it; it is the Saint Louis, Kansas City and Wabash Road.

Q. How does Mr. Gunsollis spell his name?—A. G-u-n-s-o-l-l-i-s. I think that is the way.

Q. Where did you find him living?—A. Ferry and Broadway.

Q. Does he reside there?—A. No, sir.

Q. That was the question I asked you; where does he reside?

the west side of Bellefontaine road, near O'Fallon Park—Hickman's

Q. Which side of O'Fallon Park?—A. South side.

Q. How far from the park?—A. About seventy-five or a hundred

Q. How long has he resided there to your own personal knowledge?

A. Well, I never knew where he resided to my own personal knowledge; I didn't know him until I inquired for him; I personally knew he lived there, but not just exactly where.

Q. And this man Nichols told you, did he, that he had been on the stand and had sworn to a lie about Mr. Owens?—A. He did not, sir.

Q. What did he tell you he had sworn about Mr. Owens?—A. He didn't tell me anything; I asked him how he came to return John Owens as not found, and he commenced to laugh, and say he done it as a joke.

Q. He didn't tell you that when he was on the stand he swore, as he swore, that John Owens did not reside at the corner of Fourteenth street and College avenue, but that he did live at the corner of Sixteenth and College avenue?—A. He didn't tell me that.

Q. You found him living in the same place that the letter carrier swore—Sixteenth and College avenue?—A. Yes, sir; that is Curran street; properly I guess it would be Sixteenth street.

Q. You found that Peter Ennis did not reside at the place designated on your list?—A. No, sir; he did not.

Q. He resided somewhere between two and three blocks away from that place?—A. Yes, sir; he resided on the south side of O'Fallon avenue, near Curran.

Q. Which is Sixteenth, or would be Sixteenth street, if the streets were properly numbered instead of given names?—A. Yes, sir.

Q. You didn't find Mr. Robert Maher at the place designated on your list?—A. No.

Q. How far from there did you find him?—A. Well, that would be, I expect, about three squares away—three or four squares.

Q. You found him between Anna and Florissant, did you not?—A. Yes, sir.

Q. And that was the place designated as his residence by the letter carrier. You don't know, except what was told you, as to what this letter-carrier did swear to as to the residence of these various parties?—A. I never was told what he had sworn to.

Q. You simply know that in a very large majority of these cases these individuals did not reside at the places designated on the paper which was handed to you?—A. No; not all of them.

Q. You say you were in the sheriff's office?—A. Yes, sir.

Q. Under Sheriff Finn?—A. Yes, sir.

Q. Sheriff Finn was a Democrat?—A. Yes, sir.

Q. And when a Republican took his place you were notified to resign, were you?—A. I never made any application to the Republican at that time, sir.

Q. You are a Democrat yourself?—A. Yes, sir.

Q. You feel some interest, do you not, in the result of this contest?—A. No, sir.

Q. You would just as soon Mr. Sessinghaus would get in as Mr. Frost?—A. I would rather see Mr. Frost have the office, if he was elected to it.

Q. Did you vote for Mr. Frost?—A. Yes, sir.

Q. You didn't have any money bet on the result of this election?—A. Not at all.

By Mr. DONOVAN:

Q. You say you found all these people in the city directory that have asked you about?—A. I found most all of them; I think there was one or two that I didn't find.

Q. Of the names that I asked you about this day?—A. Yes sir; I found nearly all of them in the city directory.

By Mr. POLLARD:

Q. Now, how many did you fail to find after a careful scrutiny of that directory?

WITNESS. Of those names that I testified about here?

COUNSEL. Yes, sir.

A. I think there is only one that I testified to that I failed to find in the directory.

Q. What was his name?—A. I didn't look for Graydon in the directory; I must have overlooked that. I found Gunsollis; I did not find him residing at the place where my list says he lived; I found Owens. I didn't find Laferty's name in the directory; Finuerty I found. Mulqueen—there is only one Mulqueen—and he is down there as a farmer; his father's address is in it. Finn I found in the directory.

Q. Do you find Mr. Laferty in the directory at all?—A. No.

Q. Did you find Mr. Fred Young in the directory as residing at the number indicated in the question?—A. No, sir; I found him residing on Third street, near Grand avenue.

Q. Did you find John Sweeney in the directory at all?—A. Yes, sir.

Q. Did you find him therein designated as residing in the place stated in the paper given to you by the counsel?—A. No, sir; I did not; I think not.

Q. And neither did you find John Finn in the directory as residing at the place—A. On the east side of Bellefontaine road, on Pope avenue.

Q. That is where you find him in the directory?—A. That is it, I think; I can't carry the directory around in my head.

Q. Now, you didn't find Mr. Gunsollis at all?—A. I think I did, sir; I found Gunsollis himself; I found him at that place. He is down there as a clerk.

Q. I wish you would turn to the directory and read out the address of John Finn, who you say lives on Bellefontaine road, between Pope and O'Fallon?—A. I didn't say he lived between Pope and O'Fallon, because Pope and O'Fallon are five or six blocks off.

Q. Do you find the name there in that directory?—A. Well, there is a John lives on the north side of Clarence avenue, near Sixth street.

Q. That is the one you have reference to?—A. This must be the one. I never heard of any Sixth street being below Third.

70

By Mr. DONOVAN:

Q. It is country up there, and the streets are all on paper?—A. Yes, sir; the streets are not visible; the people themselves don't know what streets they live on unless they have a plat with them.

By Mr. POLLARD:

Q. Isn't it true that you only found three men out of this whole list in the directory as having the residence indicated on the paper which was given to you?—A. Well, I didn't look in the directory for men

it I knew were living in such a place; I didn't look for Walter Graydon in the directory, because I was sure he lived there; I knew where he had been living and was living for years, so I didn't look for his name; I only looked for those that I thought I might be mistaken about.

Q. You know as a matter of fact, do you, that this letter carrier who does not deliver letters within a mile of Mr. Graydon's house?

A. No, sir; I do not know that.

Q. Do you know how far from Grattan he has to go in his route?—A. I do not, sir; I don't know how far north his district runs. Graydon told me that he delivered mail to him.

Q. At his residence?—A. He didn't say his residence.

Q. He led you to believe that?—A. He told me, says he, "He knows me very well, because he delivers me my mail." Now, he didn't say his residence, or his office, or anything of the kind. The office is some distance away from the residence.

Q. How far?—A. Well, it is about as far as from here up to Seventh street.

Q. About how far is that?—A. Five blocks.

By Mr. DONOVAN:

Q. Across the cemetery grounds?—A. Not all the way.

By Mr. POLLARD:

Q. Mr. Graydon testified that this letter carrier did not deliver mail within one mile of his residence, and that he didn't know whether the letter carrier knew where he lived. Now, Mr. Graydon was probably more cognizant of these facts than yourself?—A. I don't know what Mr. Graydon swore to; that is what he told me.

Signature waived.

J. H. R. CUNDIFF, produced, sworn, and examined on the part of the contestee, deposeeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Colonel Cundiff, were you one of the proprietors of the Saint Louis Times?

WITNESS. Was I?

Q. Yes, sir?

WITNESS. At what time?

Q. Well, at any time during the past year?—A. Well, I was, without locating the time; that is to say, I was a stockholder in the Times.

Q. It was a corporation?—A. Yes, sir.

Q. And you were one of the stockholders?—A. Yes, sir.

Q. What position did you occupy towards the paper as to management?—A. I was president of the company and manager of its business.

Q. Can you state whether it had the contract for the city printing, and whether or not it was the official organ of the city?—A. It had a city printing; I don't know whether that circumstance would enable it to be called the official organ of the city or not. It had a contract with the city to do certain of its work.

Q. Had it all or only a part of the official printing of the city?—

Well, whether it was all or not, it certainly had all the work to do for the city as was specified in the contract. I think it was to do all advertisements that were ordered to be made by the several departments; that is my recollection of the contract.

Q. Orders from the commissioners and supplies and the health departments; also of the proceedings of the council and of the house of delegates; the publication of names that were stricken off by the board of revision?—A. Yes, sir; we did that work; we construed that as being included under our contract; it was sent to us for that purpose by the departments.

Q. How long had the Saint Louis Times this contract for the city printing?—A. Well, I found the contract running; I think existing either by actual—was actually in force, or accepted by sufferance, when I came in in October, 1879. It was renewed again in May, as I remember—I think it was in May, 1880, and was to run for a year from that time.

Q. From May, 1880, until May, 1881?—A. Yes, sir; I think that was the date, or thereabouts.

72 Q. Can you state whether or not in letting out bids for city printing the papers bidding had to have a certain circulation?—A. Yes, sir.

Q. Do you know how and to what extent? Do you know how much that circulation would have to be?—A. I am not quite certain. My recollection, however, is that the paper required to have a *bona fide* circulation of three thousand.

Q. What was the circulation of the Saint Louis Times in October, 1880, just previous to the November election?—A. Well, I think the average was 6,000; it may have been a little more or less; sometimes it is a little more and at other times it is less, but that, I think, was an average circulation.

Q. Do you know whether or not the names stricken off by the board of revisers were published in the paper under this contract?—A. Without having a specific, absolute knowledge of whether they were the exact names that were stricken off I know it was the intention to print them, and we did print a large number of names that I understood to be the names thus stricken off by that board.

Q. When did the publication of the Saint Louis Times cease at the office on Fifth and Chestnut streets; in what month?—A. I think in December—late in December, perhaps.

Q. It was some time after the November election?—A. Oh, yes, sir; it was after that; it must have been nearly a month after—at least several weeks.

Q. And for some time after that the Saint Louis Times was published by the Missouri Republican?—A. Yes, sir; it was printed at the Missouri Republican office.

Q. And when did the publication of the paper cease entirely? What month?—A. That I couldn't state.

Q. Was it not about a month or so ago?—A. I think about a month or six weeks ago.

Q. The office of the paper was the corner of Fifth and Chestnut, was it?—A. It was published at that place. It was printed at the Republican office. I think it was after the 21st of December; some time along there; I wouldn't be positive; but the publication office remained at Fifth and Chestnut for some time after that.

Q. Do you recollect the date at which that celebrated suit for the appointment of a receiver was instituted by B. M. Chambers and myself and others against the Saint Louis Times?—A. I think it was in December.

Q. That was also after the election, and after these names had appeared and been printed?—A. Yes, sir.

73 Q. These names were printed in October?—A. Yes, sir; they were printed in October. There was no difficulty about the paper or any suits against it before the election.

Q. All this litigation occurred months after those names were printed?

—A. Weeks after; not months, exactly.

Q. Well, the litigation commenced some time after. In what month?

—A. It must have been in the latter part of November or December. I fix it in my mind from this: I was never discouraged, or finally discouraged, about the publication of the paper until the Presidential election went against us—against the Democratic party. Then I made up my mind that the thing was hopeless, or, at least, involved in great difficulty.

Q. The result of this litigation which started long after the names of these parties were published in the newspaper was the final suspension of the Saint Louis Times?—A. Yes, sir.

Q. And this litigation was not pending during any portion of the time when these names that were stricken off by the board of revision were being printed by you in your paper and being circulated?—A. Not at all, sir.

Cross examination by Mr. POLLARD:

Q. Colonel, your paper, or the Times, had met with financial difficulties prior to the election last fall, had it not?—A. None at all, sir.

Q. It was in a flourishing condition, was it?—A. I can't say that it was in a flourishing condition; still it didn't owe anything to any one; it didn't owe a dollar except the current expenses.

Q. I understood you to say that you didn't finally despair of hope until after the election when you saw that the Democratic party was defeated. May I infer from that that prior to that time you had begun to be discouraged because of the want of patronage of the paper?—A. After the Indiana election I discovered a very marked cessation, and even long before that a marked cessation of subscriptions from the country, very especially to our weekly paper, all of which had a very depressing effect upon me.

Q. Do you know about the circulation which the Globe-Democrat had during the month of October last?—A. I couldn't tell you.

Q. It was very much greater than six thousand, was it not?—A. I should think so.

4 Q. And so was the Republican, was it not—the Missouri Republican?—A. Oh, I think so, without having any absolute knowledge on the matter; I have no doubt of it at all.

Q. Do you know what the circulation of the Missouri Republican then was, or now is?—A. No, sir; no, sir.

Q. Nor about what it is?—A. No, sir; I never asked the question of the proprietors; and they never had any conversation with me on the subject.

Q. Your paper, the Saint Louis Times, was a Democratic paper, was not?—A. Yes, sir.

Q. You know, do you not, Colonel that the city government was until week ago (when an election was held) Democratic?—A. Well, I don't know; I do know that the government was Democratic from what I understood; or rather I should say, I had learned that the mayor was Democrat, but I understood the government to have been somewhat fixed in its political complexion.

Q. It is true, is it not, that the mayor was a Democrat and that all the officers connected with the registration and the elections were

Democrats?—A. That I couldn't testify about; for I don't know them all personally.

Q. Well, that is the common repute, is it not?

WITNESS. That all of them were Democrats? I couldn't say, my understanding was that the registrar of voters, Mr. Gonter, was a Democrat.

Q. And these names that were sent to you for publication which purported to have been stricken off by the board of revisers, you personally, of course, knew nothing about?—A. Well, I saw them in the paper of mornings; I glanced over them from time to time to see whose names were stricken off; saw them going into type; perhaps passed my eye over the copy occasionally.

Q. Do you know how many such names were published in your paper?—A. I do not, without refreshing my memory; I did know very accurately at the time; but it has passed out of my mind.

Q. Do you know on how many mornings you published those names?—A. No, sir.

Q. You didn't publish the same name on but one morning?—A. I think that is what our contract called for; we followed the letter of the contract, as nearly as it could be done.

Q. And that list was published on a supplement paper each morning was it not?—A. No, I don't think that it was; it may have been a supplement; I may not; I rather think not, however.

75 Q. I wish you would think—A. Some of the days it may have happened; probably the most of the time it was in supplements.

Q. The last few lists that were sent to you by the board of revisers were much larger than those sent prior to those, were they not?—That I couldn't state.

Q. Is it not true that the last four or five lists which you published covered nearly two pages of your paper?—A. It may be so; I do profess to have any accurate recollection of this. Things crowded me so rapidly then and afterwards, in the ways of business, that I would naturally pay but slight attention to these details.

Q. And you don't know how many were published on any day or mean of names?—A. No, I couldn't tell that; it was a pretty large number, I have no doubt.

Q. Do you not now remember that there were many more names published on the last day than on any preceeding day?—A. Well, unless I can be assured that the whole list had to be continued until that time I cannot state it; if that was true—of course—

Q. The list was not published a second time; that is, no names republished?—A. Then, as to whether the last day was greater in number of the names published than any other before that, I cannot say.

Q. Do you remember now, Colonel, how much a line you had for doing this city printing?—A. No, I don't remember with certainty; I know about what it was.

Q. About how much?—A. It was about a cent and a half, or a fraction under that.

Q. What became of that contract, Colonel, when the Saint Louis Times ceased its publication?—A. I don't think there was anything specially done with it.

Q. It died, of course, the Times being no longer able to execute and carry out that contract?—A. I don't know that that was the case either; I know that the contract was kept up until very recently in

Times—until the Times ceased its publication; it was kept up until, possibly, a month ago.

Q. How long was the Times published at the corner of Chestnut and Fifth streets after the November election?—A. I couldn't fix the date without looking over my books.

Q. But a very few days, was it not?—A. For some time.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Thursday, April 14, 1881, then to be continued at the same place, at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County Saint Louis, Mo.

Term expires March 13, 1882.

66 Q. Why didn't you go to this man John Sweeney's house and see him himself?—A. I was at the house—at his house, and seen him in his bed; I saw John Sweeney in bed; I didn't want to wake him up; I talked with his brother; John had been working all night and was asleep.

Q. His brother told you that he lived on Hall avenue and Main street?—A. Yes, sir.

Q. How far is that from Wilkinson avenue, between Second and Third streets?—A. Wilkinson avenue—well, I guess it is about two squares; there is Hall, Talcott, and Wilkinson; they are the three next squares to each other; they are the only avenues that run down from Lowell.

Q. Do you know how long he had been living on Hall and Main?—A. I do not. I know that he has been living for five or six years in that neighborhood, of three blocks, but I couldn't tell exactly where.

Q. Isn't it true that when he registered specially on election day he registered from Wilkinson avenue, between Second and Third streets?—A. He may have.

Q. And isn't it true that he resided there on election day?—A. I couldn't say; his brother told me that he had been living there for nearly a year.

Q. Well, he registered from the other place, that is why we think these matters ought to be investigated; if a man registers from one place and votes from another, and also from the place from which he registers, it strikes the counsel, on this side of the case, as being slightly irregular. Where does John Finn live?—A. John Finn lives east of Broadway, immediately opposite the O'Fallon Park; east of Bellefontaine road, I mean; it is on Pope avenue.

By Mr. DONOVAN:

Q. You are giving all this testimony, without any reference to papers, just from your knowledge?—A. Yes, sir.

By Mr. POLLARD:

Q. Did you not testify, in your examination-in-chief, that he did not live at the place which was designated on that paper?—A. I said that he did not live on the east side of Bellefontaine road, between Pope and O'Fallon avenues.

Q. You found him at some other place?—A. Yes, sir.

Q. And you found that Thomas Finnerty was not living at the place designated on the paper given to you?—A. I found him, of course.

67 Q. You testified in chief that he was living a block from that place?—A. Yes, sir; he used to live a block from there, back of the soap-grease factory; but the character of it got so bad that they couldn't live there any longer; then they moved away down to near the Sessinghaus mansion.

Q. Where is that?—A. Second, or Main and Talcott avenue.

Q. Which corner?—A. On the southwest corner.

Q. You don't know whether it is Second or Main street?—A. It is a railroad street; if you know what street the railroad occupies then you will have it; it is the Saint Louis, Kansas City and Wabash Road.

Q. How does Mr. Gunsollis spell his name?—A. G-u-n-s-o-l-l-i-s; I think that is the way.

Q. Where did you find him living?—A. Ferry and Broadway.

Q. Does he reside there?—A. No, sir.

Q. That was the question I asked you; where does he reside?—A.

on the west side of Bellefontaine road, near O'Fallon Park—Hickman's
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Q. Which side of O'Fallon Park?—A. South side.

Q. How far from the park?—A. About seventy-five or a hundred
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Q. How long has he resided there to your own personal knowledge?

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edge; I didn't know him until I inquired for him; I personally knew
that he lived there, but not just exactly where.

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stand and had sworn to a lie about Mr. Owens?—A. He did not, sir.

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didn't tell me anything; I asked him how he came to return John
Owens as not found, and he commenced to laugh, and say he done it
as a joke.

Q. He didn't tell you that when he was on the stand he swore, as he
did swear, that John Owens did not reside at the corner of Fourteenth
street and College avenue, but that he did live at the corner of Six-
teenth and College avenue?—A. He didn't tell me that.

Q. You found him living in the same place that the letter carrier
swore—Sixteenth and College avenue?—A. Yes, sir; that is Curran
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were properly numbered instead of given names?—A. Yes, sir.

Q. You didn't find Mr. Robert Maher at the place designated on your
list?—A. No.

Q. How far from there did you find him?—A. Well, that would be,
except, about three squares away—three or four squares.

Q. You found him between Anna and Florissant, did you not?—A.
Yes, sir.

Q. And that was the place designated as his residence by the letter
carrier. You don't know, except what was told you, as to what this let-
ter carrier did swear to as to the residence of these various parties?—
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individuals did not reside at the places designated on the paper which
was handed to you?—A. No; not all of them.

Q. You say you were in the sheriff's office?—A. Yes, sir.

Q. Under Sheriff Finn?—A. Yes, sir.

Q. Sheriff Finn was a Democrat?—A. Yes, sir.

Q. And when a Republican took his place you were notified to re-
turn, were you?—A. I never made any application to the Republican at
that time, sir.

Q. You are a Democrat yourself?—A. Yes, sir.

Q. You feel some interest, do you not, in the result of this contest?—
No, sir.

Q. You would just as soon Mr. Sessinghaus would get in as Mr.
Frost?—A. I would rather see Mr. Frost have the office, if he was
elected to it.

Q. Did you vote for Mr. Frost?—A. Yes, sir.

Q. You didn't have any money bet on the result of this election?—A. Not at all.

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Q. You say you found all these people in the city directory that I have asked you about?—A. I found most all of them; I think
69 there was one or two that I didn't find.

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Q. Now, how many did you fail to find after a careful scrutiny of that directory?

WITNESS. Of those names that I testified about here?

COUNSEL. Yes, sir.

A. I think there is only one that I testified to that I failed to find in the directory.

Q. What was his name?—A. I didn't look for Graydon in the directory; I must have overlooked that. I found Gunsollis; I did not find him residing at the place where my list says he lived; I found Owens. I didn't find Laferty's name in the directory; Finnerty I found. Mulqueen—there is only one Mulqueen—and he is down there as a farmer; his father's address is in it. Finn I found in the directory.

Q. Do you find Mr. Laferty in the directory at all?—A. No.

Q. Did you find Mr. Fred Young in the directory as residing at the number indicated in the question?—A. No, sir; I found him residing on Third street, near Grand avenue.

Q. Did you find John Sweeney in the directory at all?—A. Yes, sir.

Q. Did you find him therein designated as residing in the place stated in the paper given to you by the counsel?—A. No, sir; I did not; I think not.

Q. And neither did you find John Finn in the directory as residing at the place—A. On the east side of Bellefontaine road, on Pope avenue.

Q. That is where you find him in the directory?—A. That is it, I think; I can't carry the directory around in my head.

Q. Now, you didn't find Mr. Gunsollis at all?—A. I think I did, sir; I found Gunsollis himself; I found him at that place. He is down there as a clerk.

Q. I wish you would turn to the directory and read out the address of John Finn, who you say lives on Bellefontaine road, between Pope and O'Fallon?—A. I didn't say he lived between Pope and O'Fallon, because Pope and O'Fallon are five or six blocks off.

Q. Do you find the name there in that directory?—A. Well, there is a John lives on the north side of Clarence avenue, near Sixth street.

Q. That is the one you have reference to?—A. This must be the one. I never heard of any Sixth street being below Third.

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Q. It is country up there, and the streets are all on paper?—A. Yes, sir; the streets are not visible; the people themselves don't know what streets they live on unless they have a plat with them.

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Q. Isn't it true that you only found three men out of this whole list in the directory as having the residence indicated on the paper which was given to you?—A. Well, I didn't look in the directory for men

Q I knew were living in such a place; I didn't look for Walter Graydon in the directory, because I was sure he lived there; I knew where he had been living and was living for years, so I didn't look for name; I only looked for those that I thought I might be mistaken at.

Q You know as a matter of fact, do you, that this letter carrier holds does not deliver letters within a mile of Mr. Graydon's house?

A No, sir; I do not know that.

Q Do you know how far from Grattan he has to go in his route?—
A I do not, sir; I don't know how far north his district runs. Graydon told me that he delivered mail to him.

Q At his residence?—A. He didn't say his residence.

Q He led you to believe that?—A. He told me, says he, "He knows me very well, because he delivers me my mail." Now, he didn't say his residence, or his office, or anything of the kind. The office is some distance away from the residence.

Q How far?—A. Well, it is about as far as from here up to Seventh Street.

Q About how far is that?—A. Five blocks.

By Mr. DONOVAN :

Q Across the cemetery grounds?—A. Not all the way.

By Mr. POLLARD :

Q Mr. Graydon testified that this letter carrier did not deliver mail within one mile of his residence, and that he didn't know whether the letter carrier knew where he lived. Now, Mr. Graydon was probably more cognizant of these facts than yourself?—A. I don't know what Mr. Graydon swore to; that is what he told me.

Signature waived.

J. H. R. CUNDIFF, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit :

By Mr. DONOVAN :

Question. Colonel Cundiff, were you one of the proprietors of the St. Louis Times?

Witness. Was I?

A Yes, sir?

Witness. At what time?

A Well, at any time during the past year?—A. Well, I was, with-
out locating the time; that is to say, I was a stockholder in the Times.

Q It was a corporation?—A. Yes, sir.

Q And you were one of the stockholders?—A. Yes, sir.

Q What position did you occupy towards the paper as to management?—A. I was president of the company and manager of its business.

Q Can you state whether it had the contract for the city printing, whether or not it was the official organ of the city?—A. It had the city printing; I don't know whether that circumstance would entitle it to be called the official organ of the city or not. It had a contract with the city to do certain of its work.

Q Had it all or only a part of the official printing of the city?—
A Well, whether it was all or not, it certainly had all the work to do for the city as was specified in the contract. I think it was to do all the advertisements that were ordered to be made by the several departments; that is my recollection of the contract.

Q. Orders from the commissioners and supplies and the health departments; also of the proceedings of the council and of the house of delegates; the publication of names that were stricken off by the board of revision?—A. Yes, sir; we did that work; we construed that as being included under our contract; it was sent to us for that purpose by the departments.

Q. How long had the Saint Louis Times this contract for the city printing?—A. Well, I found the contract running; I think existing either by actual—was actually in force, or accepted by sufferance, when I came in in October, 1879. It was renewed again in May, as I remember—I think it was in May, 1880, and was to run for a year from that time.

Q. From May, 1880, until May, 1881?—A. Yes, sir; I think that was the date, or thereabouts.

72 Q. Can you state whether or not in letting out bids for city printing the papers bidding had to have a certain circulation?—A. Yes, sir.

Q. Do you know how and to what extent? Do you know how much that circulation would have to be?—A. I am not quite certain. My recollection, however, is that the paper required to have a *bona fide* circulation of three thousand.

Q. What was the circulation of the Saint Louis Times in October, 1880, just previous to the November election?—A. Well, I think the average was 6,000; it may have been a little more or less; sometimes it is a little more and at other times it is less, but that, I think, was an average circulation.

Q. Do you know whether or not the names stricken off by the board of revisers were published in the paper under this contract?—A. Without having a specific, absolute knowledge of whether they were the exact names that were stricken off I know it was the intention to print them, and we did print a large number of names that I understood to be the names thus stricken off by that board.

Q. When did the publication of the Saint Louis Times cease at the office on Fifth and Chestnut streets; in what month?—A. I think in December—late in December, perhaps.

Q. It was some time after the November election?—A. Oh, yes, sir; it was after that; it must have been nearly a month after—at least several weeks.

Q. And for some time after that the Saint Louis Times was published by the Missouri Republican?—A. Yes, sir; it was printed at the Missouri Republican office.

Q. And when did the publication of the paper cease entirely? What month?—A. That I couldn't state.

Q. Was it not about a month or so ago?—A. I think about a month or six weeks ago.

Q. The office of the paper was the corner of Fifth and Chestnut, was it?—A. It was published at that place. It was printed at the Republican office. I think it was after the 21st of December; some time along there; I wouldn't be positive; but the publication office remained at Fifth and Chestnut for some time after that.

Q. Do you recollect the date at which that celebrated suit for the appointment of a receiver was instituted by B. M. Chambers and myself and others against the Saint Louis Times?—A. I think it was in December.

Q. That was also after the election, and after these names had appeared and been printed?—A. Yes, sir.

3 Q. These names were printed in October?—A. Yes, sir; they were printed in October. There was no difficulty about the paper or any suits against it before the election.

Q. All this litigation occurred months after those names were printed?

A. Weeks after; not months, exactly.

Q. Well, the litigation commenced some time after. In what month?

A. It must have been in the latter part of November or December. I fix it in my mind from this: I was never discouraged, or finally discouraged, about the publication of the paper until the Presidential election went against us—against the Democratic party. Then I made up my mind that the thing was hopeless, or, at least, involved in great difficulty.

Q. The result of this litigation which started long after the names of these parties were published in the newspaper was the final suspension of the Saint Louis Times?—A. Yes, sir.

Q. And this litigation was not pending during any portion of the time when these names that were stricken off by the board of revision were being printed by you in your paper and being circulated?—A. Not at all, sir.

Cross examination by Mr. POLLARD:

Q. Colonel, your paper, or the Times, had met with financial difficulties prior to the election last fall, had it not?—A. None at all, sir.

Q. It was in a flourishing condition, was it?—A. I can't say that it is in a flourishing condition; still it didn't owe anything to any one; didn't owe a dollar except the current expenses.

Q. I understood you to say that you didn't finally despair of hope until after the election when you saw that the Democratic party was defeated. May I infer from that that prior to that time you had begun to be discouraged because of the want of patronage of the paper?—A. After the Indiana election I discovered a very marked cessation, and not long before that a marked cessation of subscriptions from the country, very especially to our weekly paper, all of which had a very depressing effect upon me.

Q. Do you know about the circulation which the Globe-Democrat had during the month of October last?—A. I couldn't tell you.

Q. It was very much greater than six thousand, was it not?—A. I should think so.

Q. And so was the Republican, was it not—the Missouri Republican?—A. Oh, I think so, without having any absolute knowledge on the matter; I have no doubt of it at all.

Q. Do you know what the circulation of the Missouri Republican was, or now is?—A. No, sir; no, sir.

Q. Nor about what it is?—A. No, sir; I never asked the question of the proprietors; and they never had any conversation with me on the subject.

Q. Your paper, the Saint Louis Times, was a Democratic paper, was it not?—A. Yes, sir.

Q. You know, do you not, Colonel that the city government was until a week ago (when an election was held) Democratic?—A. Well, I don't know; I do know that the government was Democratic from what I understood; or rather I should say, I had learned that the mayor was Democrat, but I understood the government to have been somewhat vexed in its political complexion.

Q. It is true, is it not, that the mayor was a Democrat and that all the officers connected with the registration and the elections were

Democrats?—A. That I couldn't testify about; for I don't know them all personally.

Q. Well, that is the common repute, is it not?

WITNESS. That all of them were Democrats? I couldn't say, as my understanding was that the registrar of voters, Mr. Gonter, was a Democrat.

Q. And these names that were sent to you for publication which purported to have been stricken off by the board of revisers, you personally, of course, knew nothing about?—A. Well, I saw them in the paper of mornings; I glanced over them from time to time to see whose names were stricken off; saw them going into type; perhaps passed my eye over the copy occasionally.

Q. Do you know how many such names were published in your paper?—A. I do not, without refreshing my memory; I did know very accurately at the time; but it has passed out of my mind.

Q. Do you know on how many mornings you published those names?—A. No, sir.

Q. You didn't publish the same name on but one morning?—A. I think that is what our contract called for; we followed the letter of the contract, as nearly as it could be done.

Q. And that list was published on a supplement paper each morning was it not?—A. No, I don't think that it was; it may have been a day or two; I rather think not, however.

75 Q. I wish you would think—A. Some of the days it may have happened; probably the most of the time it was in supplements.

Q. The last few lists that were sent to you by the board of revisers were much larger than those sent prior to those, were they not?—That I couldn't state.

Q. Is it not true that the last four or five lists which you published covered nearly two pages of your paper?—A. It may be so; I do profess to have any accurate recollection of this. Things crowded me so rapidly then and afterwards, in the ways of business, that I would naturally pay but slight attention to these details.

Q. And you don't know how many were published on any day, or mean of names?—A. No, I couldn't tell that; it was a pretty large number, I have no doubt.

Q. Do you not now remember that there were many more names published on the last day than on any preceeding day?—A. Well, unless I can be assured that the whole list had to be continued until that time I cannot state it; if that was true—of course—

Q. The list was not published a second time; that is, no name was republished?—A. Then, as to whether the last day was greater in number of the names published than any other before that, I cannot say.

Q. Do you remember now, Colonel, how much a line you had for doing this city printing?—A. No, I don't remember with certainty; I know about what it was.

Q. About how much?—A. It was about a cent and a half, or a fraction under that.

Q. What became of that contract, Colonel, when the Saint Louis Times ceased its publication?—A. I don't think there was anything specially done with it.

Q. It died, of course, the Times being no longer able to execute and carry out that contract?—A. I don't know that that was the case either; I know that the contract was kept up until very recently in

Times—until the Times ceased its publication; it was kept up until, possibly, a month ago.

Q. How long was the Times published at the corner of Chestnut and Fifth streets after the November election?—A. I couldn't fix the date without looking over my books.

Q. But a very few days, was it not?—A. For some time.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Thursday, April 14, 1881, then to be continued at the same place, at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County Saint Louis, Mo.

Term expires March 13, 1882.

No. 51.

Pursuant to adjournment, as above stated, on the 14th day of April 1881, at the hour of ten o'clock in the forenoon, I continued the further taking of these depositions, as follows :

1 A. W. SLAYBACK, produced, sworn, and examined on the part the contestee, deposeth and saith as follows, to wit :

By Mr. DONOVAN :

Question. Colonel, how long have you lived in the State of Missouri?—Answer. Since the fourth of July, 1838, except when I have been temporarily away ; this has been my domicile and residence since then.

Q. How long have you been living in the city of Saint Louis?—A. About fifteen years.

Q. What is your occupation or profession?—A. Lawyer.

Q. You think you know a little or much?—A. I object to that question ; I don't think that my legal acquirements are on trial ; I think that is a privileged question.

Q. Well, Colonel, there was a man by the name of William E. Hardwig, who was the chief marshal of forces, especially of the canvassers for the contestant in this case ; I would like to ask you if you know the man?

Mr. POLLARD. I object to the question because of the preface thereto, which consists of a statement which is not true as a matter of fact.

A. I know a man by the name of William E. Hardwig ; I am not certain about the name—as to the spelling—I have seen it spelled both ways ; but I know the man.

By Mr. DONOVAN :

Q. How long have you known the man?—A. If he is the man I refer to, he is the same man that was on the central committee for the Democratic party of this city in the year 1876.

Q. That is the man ; how long have you known him?—A. My first acquaintance with him was in the year 1876, although I had known him by sight probably off and on for some time previous to that ; but my first actual acquaintance with the man did not begin until about the time I stated.

Q. Do you know his general reputation in this community for truth and veracity?—A. I think I do.

Q. What is it?—A. It is bad.

Cross-examination by Mr. POLLARD :

2 Q. Mr. Slayback, you were one of the three candidates for Congress in the second Congressional district in the fall of '76?—A. That is the way I got acquainted with this gentleman.

Q. And there was a man by the name of Wells, who was likewise a candidate?—A. Mr. Nathan Cole was the candidate on the Republican side.

Q. There were two Democratic candidates, were there not?—A. I won't swear to that, Mr. Pollard ; I was the nominee of the Democratic party, as I have always claimed, at that contest, and it would hardly be fair to state it differently now ; it was, however, announced by his friends that Mr. Wells was the Democratic candidate.

Q. Well, he claimed to be the Democratic candidate?—A. I don

now that he claimed that exactly; he run for Congress at that time, the never told me—I never got it from him that he claimed to be a Democratic candidate.

Q. Well, his friends claimed it for him certainly, did they not?—A. I don't know whether they believed it or not; some of them, I believe, made the assertion to that effect, but, of course, those things were not much discussed in the presence of my friends.

Q. Mr. Wells got at that election three or four times as many votes as you did from the Democratic party?—A. I never heard of it, sir; on the contrary, I beat him in that canvass—in that convention—they nominated me with twenty-three out of thirty-eight votes, and I staid there until the work of the convention was done and until they announced that I had received the nomination, and I made a speech there two hours after he and his little gang had left there; had left the convention to go; I accepted the nomination of the party at the hands of the convention, and on that ground I shall continue to say that he never had any right to call himself the nominee of the Democratic party.

Q. Well, I ask you whether, at the election, he did not receive from you four times as many votes as you?

WITNESS. The election which succeeded? The general election?

COUNSEL. Yes, sir.

A. The best of my recollection is that the returns showed that I got about four thousand votes and Wells got about seven thousand votes; that Mr. Cole got a few votes more than he did—a few hundred more; that it is not true that he got three or four times as many votes as I got; that as to the returns—the way they were made up—they made it appear that he got two or three thousand votes more than I did. I have no satisfactory evidence that they were false.

Q. And fraudulent?—A. I don't claim that they were fraudulent, sir; I say they were false; I have no means of knowing what the judges did, because I didn't canvass that matter; I didn't go into a legal investigation of it, but I had placed in my hands the returns and other testimony that convinced me that the count, as published, was untrue; and if it was the same as returned by the judges, then, of course, in my estimation, it was fraudulent.

Q. Well, during that canvass, which was rather an excited one, between you and Mr. Wells and Mr. Cole, you made the acquaintance of Mr. Hardwig?—A. It was while I was canvassing for the Democratic nomination that I formed the acquaintance of Hardwig.

Q. And you had some difficulty with him in that canvass?—A. Well, I will tell you what that difficulty was that I had with him; that will be the easiest and shortest way to the whole matter, if you want to know it.

Q. I am not asking for that.—A. Very well then; I had no personal difficulty with Mr. Hardwig.

Q. There was some hard feelings existing between you and him because of something that was done in that canvass?—A. Well, no; I never had any hard feelings towards him, except a sense of deep indignation that any man would feel who had been treated with duplicity and treachery.

Q. And that is the feeling that you have against Mr. Hardwig?—A. I feel towards him that he is not an honest man, and that he didn't stand manly and right in that affair, and in other affairs in which his reputation has been assailed in my hearing by a number of his neighbors and the men that know him; I say that my opinion is made more from what I have heard of his conduct in other matters than

in those pertaining to me; concerning my own personal affairs with him, so far as those affairs—those transactions with him personally were concerned, they were always strictly frank and honorable; but Mr. Hardwig in this matter of mine—in this contest, and in other affairs has not acted manly, fair, and square.

Q. Is it not true that you had and still entertain a grievance against Mr. Hardwig because of some transactions during that canvass?—A. None whatever, except this: Mr. Hardwig was a member of the Democratic central committee; as such he voluntarily, without solicitation on my part, came to me and expressed disapprobation of the course of Erastus Wells; he denounced him as being a bad man; as being no true Democrat: that the district was tired of him, and that he was anxious to find somebody that would compete with Mr. Wells for the nomination. Mr. Hardwig expressed the greatest dissatisfaction with Wells on a great many occasions, in a great many different forms and speeches, many of which were entirely too harsh for me to desire
4 to repeat here, unless you want me to do it.

Q. No, sir; I am not asking for that.—A. His expressions were very bitter and very strong; he led me to believe that he was sincerely my friend in that canvass; he acted in the various caucuses among my friends, particularly in the Eighth ward, where the contest was supposed to be bitter; where it was expected that there would be a lively time, a lively vote, and a lively contest; in that ward he himself called a meeting of the leading Democrats, and asked me to attend, and there introduced me to them; frequently brought them up to me one and two at a time into the office trying to get them to understand that he was my friend—

Q. I am not calling, neither did my question call for any of this matter; I simply asked you whether you had any grievance against him growing out of those transactions; I did not call for the transactions; I don't desire to put it down, but still it seems to me that you are extremely anxious to rehearse those transactions; of course, Mr. Slayback, if such be your desire, I shall make no further objections to your telling all you wish.

Mr. DONOVAN. I object to that statement of the counsel for the contestant; I insist that the question did call for this very thing which the colonel was proceeding to relate; I insist that the witness is not to be interrupted in the midst of his explanation. Proceed, Colonel.

WITNESS. I am explaining my direct answer to your question, which I consider was explicit enough; I believe a witness has the right to explain his answer, if he deems it imperfect or not full.

By Mr. POLLARD:

Q. I have no objection if you desire to rehearse this matter.

WITNESS. Your remarks that I am desirous of rehearsing this matter, is hardly kind, because I do not deserve it. I have no desire to rehearse any of this matter; it is a matter that I have avoided altogether, as to talking about; but you asked me what ill-feeling, or hard feeling, there was on my part towards Mr. Hardwick, and you seek to convey the impression that whatever feeling I might have towards this man was the outgrowth simply of an ordinary political contest. But I did not consider his conduct in that light, and I do not think any fair-minded man who hears of it will so judge him. Still, as I have said, I bear him
5 no malice or ill-will; if I had chosen to be small enough and brood over a grievance, I might in time have reached that state of ill-feeling that I might not be able to deal justly by him; but

that is not the kind of man I am ; I am not small enough in stature to harbor ill-will against any man.

Q. Very well, colonel ; surely that is a full answer to my question ; remember, I simply asked you whether you had any ill feeling towards Mr. Hardwick.—A. I wanted to disclaim the insinuation which your repeated questions about my desire to rehearse this matter seemed to convey ; I wanted to disclaim that my testimony is biased about this by any feeling. I am simply telling you the facts, as any man will tell you who was made cognizant of the transaction. His conduct at that time, in regard to myself, I felt was downright dishonest. The case is peculiarly aggravated in this : that I had never spoken to Mr. Hardwick ; never solicited, directly or indirectly, a favor at his hands ; had, in brief, known but little of him ; then he came to me, made this voluntary proffer of his support and friendship, and which, not doubting the man's sincerity, knowing no reason for distrusting him, I accepted ; I deemed him acting in good faith ; he spoke to me, and advanced what at that time I thought good and valid reasons for changing his support from the one to the other. The causes he assigned, I think, would hardly be material in this case. I want to go on and finish my statement to the effect that after doing all that a man could well do to evince his personal and political friendship for me in that contest, he suddenly " flopped over " and did all in his power afterwards to beat me, taking part with my competitor in that canvass ; and that, too, without any possible provocation on my part. The only explanation that I have ever got of his conduct was that which reflected very grossly upon his honesty.

Q. Now, Mr. Hardwick made some harsh statements, you say, to you, concerning the course which Mr. Wells was pursuing ; did you not concur in all he said at that time to you about Mr. Wells ?—A. Some of it was information that Mr. Hardwick purported to give me, that I knew nothing about, except through him ; as to concurring in it, I was prepared at that time to believe almost any harm that could be said of Mr. Wells.

Q. Is it not true now—to summarize the political history of this city—that Mr. Wells and his friends claimed that he was the regular nominee of the Democratic party for Congress from that district at that election, and that this was the reason Mr. Hardwick abandoned you and followed Mr. Wells, believing him to be the regular Democratic nominee ?—A. Well ; in answer to that I will say that his desertion of my interests was before that—and before the convention met.

Q. How long ?—A. That I can't remember ; it was a short time before ; it was after Mr. Wells had returned from Washington, and after he had seen Hardwick, or some of his friends had seen Hardwick for him.

Q. Well, now, taking that altogether, colonel, wasn't it simply on a quarrel with almost all political quarrels for office which occur inside of the party ; that it was simply a political party quarrel ?—A. The question you ask, colonel, is a little difficult to answer directly ; I cannot give you an explicit answer without leaving some inferences that might not be exactly in accordance with the facts. I don't think it was exactly on a par with the usual contests within the party, because it was considered rather an extraordinary departure from the usual course of any politically organized party, and, of course, my being interested in it, it might have seemed to me as different in many respects from the usual thing—from the usual contest in a party. But all that aside, Mr. Hardwick's personal conduct was very bad ; his treatment of me, whose

election was at stake, was not honest; I thought his conduct to me not fair in any sense of the word; it was very bad, and savored much of the political bummer.

Q. I was not asking you that question, but still I have no ear to objection to your answering in that way. Is it not likewise true, Colonel, and well-known that at the time Mr. Wells received what he and his friends claimed, the nomination, that immediately thereafter very many of those gentlemen, who had prior to that time been ostensibly your staunch supporters, abandoned your cause, and associated themselves with Mr. Wells and his suffrages?—A. I cannot recall at this date the names of a half dozen men that made any pretext of that kind on the contrary, they demanded that I should stand by my standard that I was the chosen nominee of the Democratic party, and to carry them through. If this were not the fact I would never have staid till election day. I didn't want to run for Congress within the party against another Democrat; I didn't want to run counter to any man who should be regularly appointed by the convention to be its standard-bearer; but they came to me, and among them this Mr. Hardwick, and told me that this was an extraordinary case, one in which it was necessary to make some new departure; that all the rules were changed by the peculiar circumstances attending. They never came to me—any of them—to tell me that the reason of their changing from my cause over to Mr. Wells was the result of their believing that he had got the nomination on the contrary, a great many expressions reached me from his close friends congratulating me, stating that they regarded me as the regular nominee of that convention; and on the strength of such assurances, I felt confident of carrying the district. Many of these expressions came from men who admitted my nomination, who voted for Mr. Wells on the score of expediency; they had supported him, although knowing that I was the regular nominee. Many of them made those expressions to me in person, and none that had theretofore expressed themselves as in my ranks, as my supporters; none of these at any time, then or thereafter, came to me and excused themselves for removing their support from my cause, because they had thought the matter over and had come to the conclusion that Mr. Wells was the regular nominee, and therefore they had followed his fortunes. No; they came to me first and last and counseled me to stand by my nomination; that I could depend upon their strong and unwavering support; and there was never any other professions made to me in my hearing, or to my friends, but those of friendship and support.

Q. Mr. Wells did not claim to run as an independent, did he?—A. I can only state this, that in his opening speech before the Boatmen's Club, he announced that he expected the people at the November election would put up a good man, and he did not, to the best of my recollection, claim that he was going to be a candidate before the convention. I don't think he had given any pledge that he was going to abide by the decision of the Democratic convention.

Q. His name was regularly before the convention, was it not?—That was through the machinations of these men that had pledged their support; that is what I complained of at the time as being dishonest. They knew I was the regular nominee of the party. They causing the putting of his name on that ticket, in my humble judgment—in my honest judgment was the act of dishonest men.

Q. It is true, is it not, and has become a part of the political history of this city, that that election was a very expensive one on behalf

Mr. Wells?—A. I have heard so, but of course that is a matter that I know nothing about. I never was in Mr. Wells' confidence since. Previous to the year 1876 he had my heartiest support for Congress, and I had been on friendly personal relations with him. Since that time we have been civil to each other, but not very close friends. I don't enjoy the repository of his confidence; so I don't know about the expenses of that campaign.

Q. And on the other hand you spent no money in that campaign?—

A. I did spend a good deal of money in that campaign. I did not spend any money for the purpose of buying up committeemen, or any other dishonest purpose. The money that I spent was spent honorably and legitimately in paying for bon-fires, bands of music, parades, building of platforms, paying for gas-bills, rent of halls, and
8 the necessary expenses that every candidate must assume if he enters into a race in the second Congressional district.

Q. Did the Democratic city committee furnish you any money to carry on that campaign?—A. Not one dollar; not one cent. Every dollar, every cent that I got—that I used in that campaign for the purposes I have stated was my own money. I had to have help during that canvass. I had to receive additional means, so I borrowed funds from the bank on notes of my own with good indorsers, and I paid every one of those notes when they came due. My ticket-holders at the polls acted for me voluntarily without any compensation. So far as my own expenses in that campaign were concerned, I can claim that they were promptly met and paid, and I never, directly or indirectly, got one cent from any of the committees. All I asked of them was to see that the ballot was a fair, open, honest ballot; to see that the contest was conducted with fairness and uprightness.

Q. How much did that canvass cost you?—A. I have never cast that up; not sufficiently to answer that question of yours. Still, whatever that canvass cost me was paid with my own individual money, and it has never cost anybody else a cent; at least, not with my consent.

Q. It was several thousand dollars, was it not, colonel?—A. As a matter of course.

Q. And that was one of the bitterest contests within your knowledge, was it not colonel?—A. Well, it was lively.

Q. There was a great deal of bitterness engendered in your party between very many who were engaged therein during that campaign, was there not?

Mr. DONOVAN. I object to further proceeding with this cross-examination in this matter, for the reason that we are not trying a contest in the second Congressional district, but we are trying a contest in the third Congressional district. I have simply asked Colonel Slayback two or three questions regarding the truth and veracity of this man Hardwick, and Mr. Pollard has taken advantage of Colonel Slayback's sitting in the witness chair to inform himself regarding the merits of a political controversy that has been almost forgotten.

Mr. POLLARD. I believe it is a well-known and well-recognized principle in the law of evidence, that in cross-examining a witness you can certainly examine him in regard to matters which are near akin to those at issue in the controversy. Now, although we have no contro-
9 versy as to the election in the second Congressional district, yet having one in the third Congressional district, I apprehend that the contest in the second is so near akin to it that a cross-examination involving matters relating to that contest will be proper here.

Mr. DONOVAN. There was no contest in the second Congressional

district; this was a political campaign only, the history of which Mr. Pollard is now inquiring about; it has no bearing whatsoever upon this case, and is only made here for the purpose of unnecessarily consuming time.

MR. POLLARD. I think that objection comes with bad grace from the gentleman.

WITNESS. I think there was a good deal of feeling manifested in that campaign.

Q. And a great many charges of fraud and corruption against parties, or charges of the same effect, were there not?—A. There were very few charges of that kind so far as my side was concerned, and those I promptly hunted down, either by meeting the parties who were circulating it, or, if that was not in my power, by public retraction. It was not my design nor my wish to profit by falsehood, and I never countenanced it in any shape; otherwise it was a spirited campaign of course.

Q. As a matter of fact, there were a great many charges of that character made, whether true or false; I am not asking about that. A. I wish to disclaim that there were a great many charges of that kind made against me; if they were ever made, they didn't come to my ears, except in very rare instances, and those I immediately took steps to expose the falsity of, in the usual manner; but so far as the other party was concerned, why, of course, there were a great many charges of that kind, and, unfortunately, to my knowledge, a good many were true. There was a great deal done in that canvass on behalf of Mr. Wells by his supporters that I would never have tolerated for myself; that I considered dishonest.

Q. Well, then, these charges were not against Mr. Wells alone, but against a great many individuals?—A. Yes, sir; against the men supporting him. Very often it came so close to Mr. Wells that it was unpleasant to contemplate. Mr. Wells's friends claimed that he ought not to be held responsible for it, on the ground that it was done without his approval.

By Mr. DONOVAN:

10 Q. Do you know what were the reasons which caused Mr. Hardwick to suddenly change his support from you to Mr. Wells; were they financial or other reasons?

MR. POLLARD. I object to that question, first, because it is leading; and, second, because it is wholly immaterial and irrelevant. It is no way to attempt to impeach a witness by asking for special instances of any wrong which he is supposed to have done, and the counsel for the contestee well knows it.

WITNESS. The only conversation that I can recall, that I ever had with Mr. Hardwick himself about the matter, occurred when I casually met him on the street. He said to me that he didn't suppose that I would speak to him; I told him that, of course, I was grieved at his conduct, but that that wouldn't keep me from speaking to him; that I spoke to nearly everybody. He then said that he had nothing against me; but that his interests were such that he found that it was to his advantage to support Mr. Wells; that is the only explanation that he ever gave me of his conduct, the details of which conduct I have not given, but which I can, if it becomes necessary, because I recollect pretty vividly what took place.

By Mr. DONOVAN:

Q. Did he say anything in that conversation about his being a poor

man, and it being necessary for him to take advantage of such little sums of money as might come to him from Mr. Wells?—A. He did not use that language.

Mr. POLLARD. I object to that question, because it is leading, and because it is irrelevant; also, because it is incompetent, hearsay testimony; it is not proper here; it is not the proper method of conducting an examination into the veracity of any witness whom we have placed on the stand; its only object is simply to bring vividly to light a controversy which the counsel for the contestee strenuously objected to my bringing out, although I had the cross-examination of the witness.

Mr. DONOVAN. I introduced the colonel to prove the character of the man Hardwick; and I proved it by Colonel Slayback; I proved his veracity to be bad, the veracity of this chief marshal of your canvassers, Hardwick; I proved his reputation for truth and veracity to be bad in this community. You did not, on cross-examination of the colonel, go into that, but began a long and tedious examination 11 regarding the history of the political contest of the second Congressional district, a contest that is dead and gone years ago, without asking him a word about the man we were examining him about. Did he speak to you in regard to money matters in that conversation?

Mr. POLLARD. I object to the question and to the statement which prefaces it. I am very thankful that I have never yet had occasion to read up Donovan on Evidence, for the reason that if I had, and followed his advice, I would have been as remarkable a lawyer as himself. As it is, I read the other, though possibly less valuable, standard works on evidence, and am therefore of a different opinion touching the merits of evidence and of the proper course to pursue in eliciting the same.

WITNESS. I have answered that I did not recollect that he used that language. I think I have stated about all that was stated in that conversation, the conversation being short and to me not pleasant. But one incident that hurt me most I believe I may have mentioned to you in my conversation, though I am not positive of it.

By Mr. DONOVAN:

Q. What was that?—A. At the primary election which was held the ballot-boxes in the Eighth ward had been forcibly ravished, when, at the close of the primary, they were closed. The only friend I had there was A. J. Geraghty, but they overpowered him, seized the ballot-boxes, and carried them away from the polling place; and also from the Fifth ward—the same feat was performed there. They stole the ballot-boxes and carried them away, and refused to give me the benefit of the vote that was cast for my friends. I considered this breach, this violence, as an attack on me, and was advised to have nothing more to do with Hardwick, who, I was credibly informed, was one of the parties engaged in the rape of the ballot-boxes at the close of the primaries in the Eighth and Fifth wards. I spoke to him about it; told him such conduct as that I could not and would not tolerate; that that was not an honorable proceeding; that if I was elected I wanted to be able to look every honorable man in the eye. I stated to him that I considered that a piece of extremely dirty work, and that I didn't desire anything further to do with him; that I wanted him to understand that I regarded him as entirely dishonorable and corrupt.

Mr. POLLARD. The notary understands that I am objecting to all this narration on the part of the witness.

By Mr. DONOVAN:

12 Q. Did he, after that—after he had sided with Wells and disavowed you—intimate to you that he had to do that for certain considerations, but that he was not doing Wells very much good nor you very much harm?

Mr. POLLARD. I object to that question because it is not only hearsay testimony that is called for—not only leading—but it is calling for what the witness may have believed or intimated. I think that about the most airy testimony that the gentleman can, in the fatiguing exercises of his vivid imagination, harrow up.

The WITNESS. I can't remember that he used that language; he said he had nothing personal against me; *that* I remember he said.

By Mr. POLLARD:

Q. I would like to ask you, Mr. Slayback, whether or not during that canvass you wrote this man Hardwick a letter?—A. Like as not I don't remember, but it may have been. If you will show me the letter, I will tell you very quickly. I know my handwriting. He was fully in my confidence for a time—for the time that he was supporting me. I believed in him. I trusted in him at that time.

Q. You are willing to stand by any letter which he has in his possession written by you?—A. I want to see the letter before I stand by it. I may have written him a letter when I believed him to be a different man from what I found him to be; and I may have expressed sentiments relating to him that I would not now, in the light of his acts, feel I could entertain for him. Produce the letter, and I will be very frank with you; but whatever it may contain, I will say this much (as you either have not got it or fear to produce it), that whatever it contains I believed it to be true when I wrote it, although I have often found, in looking over old letters, that my estimate of men has been frequently wrong. Produce the letter.

Q. The letter Mr. Hardwick has in his possession; we have it in our hands. We did not understand that you were to be brought on the witness stand. On the contrary, we were informed by the counsel for the contestee but a few days ago, that he should not put you on the stand consequently we are not prepared for you.

Mr. DONOVAN. The colonel's business engagements were such that he could not get him before now, and in fact despaired of having him here at all.

WITNESS. That is true. I did tell Mr. Donovan that I could not come, for I was so situated that I could not get here; but I told him that if my business engagements would suffer me to do so, he might expect me here at almost any time; but in consequence of those engagements (and you as a lawyer know how difficult it is to promise attendance at any certain time at any certain place away from your immediate business), in consequence of those engagements, I have been prevented from coming here earlier. I would like very much to see the letter and have a chance to explain it. Can you not send for it or have it here at some other hour to-day, because I think it is no more than fair that I should have an opportunity to see and examine a letter which you are holding so threateningly over my head.

By Mr. POLLARD:

Q. Mr. Hardwick had the disposition, to some extent, of some of your funds, had he not?—A. If he had it was as a member of the central committee; the central committee may have delegated him to pay the expenses out of its fund, to which I contributed; they made their draft

me for money, as they claimed, that was to pay the necessary expenses of that committee; and it is possible that Mr. Hardwick did all upon me, or it may have been that I requested him to pay certain expenses incurred by that committee in my behalf, or by him as a member of that committee in my behalf; it is possible, I say, but I don't call the circumstance to which you allude at all. Perhaps the letter, when you produce it, will throw some light on the subject. You will, I doubt, see Mr. Hardwick to day and get that letter, if he has one; then we may clear up this difficulty. I would like very much to see that letter.

Signature waived.

THOMAS L. O'SULLIVAN, produced, sworn, and examined on the part of the contestee, deposeth and saith as follows, to wit:

By Mr. DONOVAN:

Question. Your full name is what?—Answer. Thomas L. O'Sullivan.

Q. You live in Saint Louis?—A. Yes, sir.

Q. How long have you lived in this community?—A. I have lived in Saint Louis twenty-one years and some months more.

Q. Have you ever occupied an official position here?—A. Yes, sir.

Q. Do you know a man by the name of William E. Hardwick?—A. Very well.

Q. How long have you known him?—A. I think I have known him for some ten or twelve years.

Q. Do you know his general reputation in this community for truth and veracity?—A. Yes, sir.

Q. Is it good or bad?—A. In my estimation it is very bad.

Cross-examination by Mr. POLLARD:

Q. What is your business, Mr. O'Sullivan?—A. I am a butcher, sir; have followed butchering and stock dealing in this city, sir.

Q. When you say that in your estimation you regard Mr. Hardwick's reputation as very bad, you refer to his political reputation, do you not?

A. Yes, sir.

By Mr. DONOVAN:

Q. Do you refer to his reputation for truth and veracity in all respects? Mr. POLLARD. I object to that question, for the reason that it is leading; the witness has stated fully on the witness-stand what he did refer to; now, the contestee's counsel is endeavoring to worm out of him something else, and that, too, out of his own witness.

WITNESS. Yes, sir; so far as his actions are concerned in his dealings with me; his actions that has occurred during his acquaintance with me. I have served with him as a member of the Democratic central committee, and I have served with him in political organizations herwise. I have been connected with him in that way.

By Mr. DONOVAN:

Q. You know many of his friends?—A. A great many of them, sir.

Q. What is their opinion of him, good or bad?—A. That he was a dangerous man.

Mr. POLLARD. I object to that question and answer, because it is not the proper way to go to work to ascertain the reputation of any man; the counsel seems to have discovered some new mode of examining into the reputation and character of men.

WITNESS. I was cautioned to beware of him by some of his intimate friends.

Signature waived.

15 Officer COLLINS appears before the notary at this time aspires to correct his testimony given on yesterday, so as to "The residence of Joseph Bailey is 228 Mound street, instead of number which I gave."

The correction is agreed to by both counsel.

At this point a recess was taken until 1.30 o'clock p. m.

AFTER RECESS.

WILLIAM MORRISSEY, produced, sworn and examined on the part of the contestee, deposed and saith as follows, to wit:

By Mr. DONOVAN:

Question. What is your full name?—Answer. William Morrissey.

Q. How old are you, Mr. Morrissey?—A. I was born in 1835, December; I was 45 years old last December.

Q. How long have you lived in Saint Louis?—A. I will be 10 years in Saint Louis the second day of next month.

Q. Were you employed by me in any respect in this Sessinghaus Frost controversy?—A. Not that I know of.

Q. Didn't you work for me in this case?—A. If you call that employing me—you met me one Sunday morning and asked me what I was doing; that you had some names that you would like me to go there in my locality; I told you I would do that for you.

Q. Your worldly circumstances are such that you can live without pittance that I would give you for such employment?—A. Well, I know that I would work for what you would give me; I done it now as an accommodation to you; I don't know that I expect any pay.

Q. So then you can't say whether you were employed or not?—A. No, sir; I have never received any pay for it; I did not contract to bargain with you for anything of the kind; I don't know whether I shall ever be paid.

Q. Well, Mr. Morrissey, there was a canvasser for Mr. Sessinghaus upon the stand who reported that A. Schulherr, 2613 Gamble street, died before the election; were you acquainted with Mr. Schulherr?—A. Albert Schulherr?

16 Q. Were you acquainted with Mr. Schulherr?—A. I have known him for years; I was in his stable, and spoke to him occasionally looking after horses.

Q. He lived at this place, did he?—A. Yes, sir; on Gamble street, that very number; he has lived there, to my knowledge, for several years.

Q. Do you know when he died?—A. Well, I couldn't state exactly when I know from his wife; I went to the house and inquired; that is all I know—what his wife told me; I was never at his house but two or three times; I know, though, that he died after the election.

Q. Why do you know that?—A. Because I seen him come to the polls; he drove up there to the polls where I was stationed; he got up there in a buggy and voted; I knew him very well.

Q. Then the probability is that the canvasser was mistaken in reporting Mr. Schulherr off before the election, if you saw him come to the polls and vote on election day?

r. POLLARD. I object to that question for the reason that there has been no murder committed in this case to my knowledge; there has been no testimony here of any murders except that conjured up in the gentleman's brain.

. He voted at the Presidential election. I was there when he drove in his buggy with a stableman on Broadway.

By Mr. DONOVAN:

. The same gentleman, Mr. Arnold, could not find Morris Lyons in the vicinity of 2714 Sheridan avenue; what is your knowledge of the matter?—A. Why he is a personal friend of mine; one whom I have known for years.

. Does he live in the vicinity of 2714 Sheridan avenue?—A. He does at 2714 Sheridan avenue, both himself and his brother; they have lived there for twenty—it will be twenty—years, I have got it marked on here; I have known them for eight years; I know him personally eight years; and on inquiry I find that they will be there twenty years this June.

By Mr. POLLARD:

. In answering that question you consulted a paper which you hold in your hand; who wrote that paper?—A. I wrote this paper; this is my report.

. When did you write it?—A. I wrote this about a week ago or thereabouts; this one later (indicating a second paper.)

. When did you make this investigation?—A. Well, it is probably over three weeks ago.

Q. And this paper you have written out yourself in the last week?—A. I copied it; it may be a little over a week ago.

. Is it a copy?—A. I copied it from this paper that Mr. Donovan gave me.

r. POLLARD. I therefore object to the witness reading from the paper for the several reasons hereinbefore set out in full.

. I can give you this information without consulting that paper; I say that I know that gentleman for over eight years, myself, to be living right there.

By Mr. DONOVAN:

. And you had no need to consult your memorandum for that?—A. Yes, sir; I only wished to ascertain whether it was nineteen or twenty years that they had been living there; I was sure of eight years; and now it was going on twenty years; still I didn't want to swear to it I don't know exactly as being so. I am personally acquainted with him for over eight years myself; and he is living there yet.

. Could anybody have any difficulty in finding him there if they ought to do what was right?—A. Any blind gentleman can find him; there is no difficulty about it at all; both him and his brother Dennis live there; one lived upstairs, and the other lives down-stairs, but in the same house.

. Well, this same honest gentleman dutifully reported that he could find J. H. Conway at 2612 Cass avenue; will you now please inform me whether H. J. Conway does not live there?—A. There is no J. H.; Henry J. Conway lives there; also his father.

. Do you know how long they have been living there?—A. About twenty years.

. This is just a transposition of the initials of his name?—A. Yes,

Q. Well, this same gentleman appears not to have been able to find John McDonald in the vicinity of 2627 or 2629; could you find him?—A. John McDonald, 2629 Dickson street; that is my house; he is living there now, and has been living there since last May.

Q. He lives there in a house owned by you?—A. He rooms there; he lived with me at 2631 seven or eight months before he moved into 2629 Dickson street.

Q. If this gentleman, Mr. Arnold, had inquired at that number, wouldn't he have been likely to have found out those same facts?—A. The smallest child in my house could have told him that; he is a police officer; the letter carriers know him; he has been rooming there long enough for everybody around there to know him.

18 Q. Well, he could not find James E. Hodges, 2738 Thomas street, or in that vicinity; what is your information regarding that gentleman?—A. Mr. Hodges lives on Thomas street, between Twenty-seventh and—now, I forget the exact number of the house; but he has been living at that place for two years; he is a colored man and has lived with Hensler a couple of years.

Q. Black or white it makes no matter; did he and does he live there?—A. He is black and has been living there for two years and is living there yet.

Q. But black or white this gentleman ought to have been able to find him there, ought he not?—A. Oh, yes; there is no trouble in finding him.

Q. He reported also that he couldn't find in the vicinity of 1351 Elliott avenue William Hutchinson; what is your information regarding him?—A. Mr. Hutchinson has moved; I think you will find it so there (referring to paper in Mr. Donovan's hands); he moved about a month before the election; he moved last fall; he had lived there, but I think he moved about a month previous to the election; you will find it there that he has moved away; I made a memorandum there to that effect. He is living in the same precinct though.

Q. You think he moved away before the election or after?—A. I made a memorandum of it on that paper, "moved Thursday before the election," it says here. That is the information I received.

Q. Well, Mr. Arnold reports that Patrick Fitzpatrick is not to be found, or is not known about 3216 Easton avenue; what is your information?—A. I don't think I found him; I don't remember of making any inquiry for him.

Q. You don't think you made any inquiry for him?—A. I think not; there is some names there I never inquired for.

Q. I thought this was your report; somebody here has reported that he is living there, and has been for nine years?—A. That is not me; that was on there when I got it; I received that paper but I didn't make no report on that name of Fitzpatrick; I didn't look for him.

Q. Well, did you inquire for Charles Murphy, 2907 Cass avenue?—A. I believe I did. I had one Murphy on Sheridan avenue, I believe it was.

Q. You don't think you inquired for him?—A. I had one Murphy, but I think he is on Sheridan avenue.

Q. But this is Charles Murphy, living at 2907 Cass avenue?—19 A. Oh, yes; now I remember him.

Q. What did you find out about him?—A. I found that he lives there.

Q. How long has he been living there?—A. I didn't ascertain how long he has been living there; but he is still living there.

Q. Was he living there about election times?—A. That I couldn't; he is living there at the present time.

Q. If he is living there at this time, this gentleman, Mr. Arnold, ought to have been able to find out that fact as well as yourself?—A. I believe he is one of the Cass avenue railroad men; that is my opinion; I wouldn't be certain. It is in that boarding-house right opposite stables.

Q. Well, the same gentleman reports regarding D. R. Saltmarsh, of 7 Cass avenue, as not known there; what is your information?—A. He is living there at that number.

Q. Do you know how long he has been living there?—A. He has been living there sometime; I couldn't say positive how long; but he has been living there for some time.

Q. Well, he makes a report in regard to John Hewitt, 2523 Glasgow avenue; what have you to say concerning that gentleman?—A. I know him personally for, probably, sixteen years; I am acquainted with him a long length of time any way; I know of my own knowledge of his living in that place for over five years, because I have been in his house, doing business there.

Q. Is he living there still?—A. Yes, sir.

Q. Can you understand why Mr. Arnold could not find him?—A. If you don't mistake he had the number 2521; he hadn't the correct number; the correct number was 2523; anybody could find him.

Q. 2621 would be next door?—A. I think that was the number—2521; that was wrong, of course; yes, it would be next door.

Q. After looking you found that he had the correct number there?—A. Yes, sir.

Q. Yet this gentleman reports him as not found?—A. It is MacGovin that has the wrong number; I made a mistake there; he lives within a few doors of that number.

Q. But this canvasser said he went right to 2523 Glasgow avenue, and then came on the stand and reported that he could not find this man; does the man live right there?—A. I don't know what the number is; I know that he lives at this number that you have there.

MR. POLLARD. I object to that, because the witness is testifying to a state of facts that he knows absolutely nothing about; and must know that he knows nothing about it; he certainly does not know what Mr. Arnold testified to; he did not hear him testify, and he does not know what number Mr. Arnold furnished as that at which this man did or did not live.

MR. DONOVAN. The witness very honestly and very fairly was endeavoring to explain why Mr. Arnold could not find Mr. Hewitt at 2523 Glasgow avenue, because, as he stated, he thought that when he was looking for him, he was looking for him at 2123, but on looking at the number as it is placed here on this paper he finds that the number that Mr. Arnold gave was 2523, which is the same place this witness inquired about and finds that he knows the gentleman to be living there for over five years.

MR. POLLARD. And the contestee's counsel is endeavoring and has succeeded in making this witness swear to what Mr. Arnold said on the stand; when, in fact, this witness was not present when Mr. Arnold testified and therefore can know nothing about it.

MR. DONOVAN. He does not know what testimony was given by Mr. Arnold, except what was copied and handed to him to inquire into; still the witness is not swearing to anything but what he knows.

WITNESS. I am only swearing here to what I have got and what I know myself; this MacGovern led me astray, the number of Hewitt's house has slipped my memory; still I know his house as well as I do my own.

Q. What is the difficulty about Peter MacGovern?—A. I got it 2121; of course he couldn't have found him there; he lives at 2421 Glasgow avenue.

Q. Well, according to Mr. Arnold, Mr. T. D. Robertson could not be found on Boston street between Grand avenue and Spring streets; could you find the gentleman?—A. Yes, sir.

Q. Where did you find him at?—A. Where he is located at on that paper; on Boston street between Grand avenue and Spring street.

Q. Is he living there now?—A. Yes, sir.

Q. Do you know how long he has been living there?—A. Well, as to that I couldn't swear; I didn't ask.

Q. But you found the man?—A. The man himself was not there; but the folks of the house told me that Mr. Robertson lived there.

21 Q. Well, this gentleman couldn't find J. J. Flanigan, on Grand avenue between Parsons street and Spring avenue, could you find him?—A. I found him; he is living there.

Q. He could not find James Reece, Rofe, or Rafe at 2901 Cass avenue; could you find him?—A. I think it is Rafe.

Q. Did you find him?—A. I have got to look at this paper; I found him, but I couldn't tell what I found out about him without looking at my list (examining paper). I found that he lived there in November; but he has moved away; he is one of those railroad men; he has left now.

Q. What sort of a house is that that he lives in, Mr. Morrissey—2901 Cass avenue?—A. Boarding-house, upstairs over a saloon.

Q. Whose saloon?—A. Corkan's.

Q. Do you know how it is possible for Mr. Arnold to report that 2901 Cass avenue is a vacant lot?—A. Well, he lies.

Mr. POLLARD. I object to that question, because it is misstating the testimony; there has been no such testimony in this case.

WITNESS. Well, he lies; there is no two ways about it; it couldn't be a vacant lot; it is on the north side of the street—the odd numbers—and that has been built up for years.

By Mr. DONOVAN:

Q. Did you inquire for James Betts at 2900 Cass avenue, reported by this gentleman as not found and not known?—A. Yes, sir; 2900 Cass avenue.

Q. Well, does he live there, or has he lived there, or was he living there in November?—A. He lived there in November; I want to refresh my memory and see if I did make a mistake in that name. I have made a memorandum here on that name; I may have made a mistake in copying it off. I have got him down as 2900 Cass avenue; he lived at 2901 Cass avenue, over Corkan's saloon, in the same boarding-house with the other men.

Q. Well, did you inquire for William Bennett at 2900 Cass avenue?—A. Yes, sir; I found that he lived over the car-shed.

Q. Across the street from 2901?—A. It is on the other side of the street; that would be 2900 Cass avenue; it is the car-house.

Q. Is he dead or living?—A. Dead.

Q. When did he die; since or before the election?—A. Since the election.

2 Q. Did you inquire for J. McNeal at 1410 Glasgow avenue; and, if so, what information did you elicit?—A. Left there in November; moved away; lived here, but moved away.

Q. The same gentleman reported in regard to C. M. Wilson at the same number; could you find him?—A. No, sir; that is A. N. Wilson.

Q. Well, C. or A.; did you find him?—A. E. N. Wilson.

Q. C. or A. or E.; did you find him?—A. Yes, sir; he lived at 1410 Glasgow avenue until November last, when he moved away; he has moved since November.

Q. This same gentleman reported that John Bartholomew was not known at the same number, 1410 Glasgow avenue; what do you say in regard to that?—A. Yes, sir, he is known there; John Bartholomew is foreman of the Cass avenue line of street cars; he lived at the same number last fall—last November; he has moved away since; that was a boarding-house, and those three men were boarding there; they have left now.

Q. How long have you known John Bartholomew?—A. About four years, any how; probably more or less.

Q. Has he been up in that neighborhood all the time?—A. Yes, sir; he is a single man, and changes his boarding-house occasionally, like a great many single men.

Q. Was he at this place at election time?—A. All I can tell you about that is what Mr. Bartholomew himself told me; he said that he lived there at the time of the Presidential election; I went to him and asked him; I know him personally; I asked him if he left 1410 Glasgow avenue before or after the election, and he said that he left there after the election; that is what he told me himself.

Q. Is he still superintendent of that line?—A. No, sir, he is not superintendent; he is foreman of the Cass avenue stables; he is still here.

Q. Well, this same gentleman reported in regard to John Hautpenz, 2900 Cass avenue; he reported that this man didn't live there; what did you find out about that?—A. I think that name properly is Hartence; I think that is the proper name; that is what they call him up here; I don't think he has ever lived there; I think he lives on Glasgow avenue, 1607 Glasgow avenue.

Q. Well, he doesn't live at 2900?—A. No, sir; he lives at 1607 Glasgow avenue; boarded there in November, and moved away since the election. They told me up there that he voted for Sessinghaus; the parties up there told me that.

Q. Well, what is your report in regard to George Bryan, 2900 Cass avenue; what is your information in regard to him?—A. I have got him located at 2909 Cass avenue; lived there in November, and moved away since; he was a stable man, or rather, a railroad man; he has moved away now.

Q. What is your information in regard to Thomas Nugent, at the same number?—A. 2909 Cass avenue; I have got him; he lived there in November, and moved away since.

Q. These are all stable men, connected with the Cass avenue stables?

A. They are conductors or drivers, and stable men.

Q. Is 2909 Cass avenue part of the stable property?—A. No, sir; it is across the street; it is on the north side of the street; he has left; he has moved away.

Q. Did he move away before or after the election?—A. After the election, I was informed.

Q. Did you make any inquiry for John L. Keyon, 807 Benton street?

—A. The lady says that they call him Kinyon—the lady of the house says that; but whether his name is the one or the other she was not able to state.

Q. Was he living there?—A. He was living there up to some time in January; he is now living on Broadway; he has moved; that was a boarding-house.

Q. Did you find Michael Fury, 1806 or 1816 Benton?—A. I found him at 1816; he is one of the foremen; I know him personally.

Q. Did you inquire for George Rippey, 1825 Montgomery street and, if so, did you find him there?—A. Yes, sir; I found him.

Q. Is he living there?—A. Yes, sir.

Q. Did you inquire for James J. Barry, 1822 Montgomery street?—A. Yes, sir.

Q. What did you find?—A. The house is vacant; he left there last fall; moved after the election; that is what the lady told me that lived in the rear; the house is for rent where he lived.

Q. What sort of a transposition of numbers was made in regard to Andy Boody?—A. They located him at 2903 Exchange street; I found him at 2309 Exchange street.

Q. How long has he been living there?—A. He has been living there over a year; he has moved away from there now.

Q. Did you inquire for Michael Eagan, 1516 Monroe?—A. Mike Eagan; yes, sir.

Q. What did you find?—A. He left there; moved since election; I know him personally; I have known him for years.

Q. Did you inquire for James Sullivan, at 1512 Monroe street?—A. I did.

Q. What did you find?—A. I found that he lived at 1516 Monroe, and had been living there for three years, more or less; his wife was speaking to me; I seen his wife.

24 Q. A letter carrier by the name of C. L. Drake reported that he couldn't find Thomas Haines, 3200 Thomas street; could you find the man?—A. Yes, sir; I found him. He is a fireman on Easton avenue there; lives at 3200 Thomas street; been living there six months; I seen the gentleman himself.

Q. Well, although it is on this letter carrier's route, he contents himself with giving testimony here in regard to Thomas Taylor, that he doesn't live at 3157 West Division street, nor does he live in that vicinity; does he live there, and how long has he lived there?—A. Tom Taylor I know myself personally; I know him to be living on West Division street, between Webster and Easton avenue; I know how long he has been living there; probably fifteen or sixteen years. I know him myself to be living there for eight or nine years; have heard him state several times how long he has been living there fifteen or sixteen years.

Q. Is he not one of the oldest inhabitants in that section of the country?—A. Yes, sir.

Q. Well, this same letter carrier had a great deal of trouble in finding such a prominent gentleman as James Lancaster at 3148 Dickson street; could you find him there?—A. No; I don't think he is on Dickson street; it is West Division street.

Q. How far is that from Dickson street?—A. Dickson street doesn't run further than 3000; so he can't be found at 3100.

Q. So then he is to be found on West Division street?—A. Yes, sir; he owns his own house.

Q. How far are these places apart—West Division street and Dickson street?

son street?—A. It is three blocks north of Dickson street. It would be in the same block west, but three blocks north—north of where they located him. There is no such place as 3100 Dickson street.

Q. He is a well-known citizen up there, is he not?—A. He is well known up there; yes, sir; he is a brother of "Dick" Lancaster.

Q. Well, this letter carrier had considerable difficulty with the name of William J. Pentland; what did you discover about that name?—A. A gentleman by that name is living on Sheridan avenue.

Q. Where at?—A. Between Webster and Easton avenues; it is 3100 and something; they have three or four different numbers; the lady told me they had been living there for four years; she says they have had three or four different numbers to their house in four years.

Q. Well, he had some difficulty with P. H. O'Brian, 1354 Garrison avenue; did you inquire for him?—A. I made no inquiry for him.

Mr. DONOVAN. I will withdraw that question; I thought you sought for the man. Do you know whether Albert Sweet lives on Dickson street or Dayton street?—A. He never lived on Dickson street; he did live at 2620 Dayton; he don't live there now; he has moved away.

Q. When did he move away from there?—A. I couldn't tell you; another family is living in the house; not very long ago, but I couldn't give you the exact date.

Cross-examination by Mr. POLLARD:

Q. Mr. Morrissey, the memorandum which you have used here with which to refresh your memory, and from which you read answers to these questions was made by you, you say—or some other memorandum—some week or so ago?—A. This list I have written out, it is probably three weeks ago; this here list I have written out last Tuesday (witness refers, respectively, to two papers).

Q. And both of these lists are copies of something else?—A. Copies of lists of names that I had to find out where these parties named therein lived.

Q. What is your business, Mr. Morrissey?—A. I am not engaged in any business at present.

Q. What has been your business in the last few years?—A. In the last few years I have speculated, sir, in real estate; building and selling houses; that is about all I have been doing in the last six or eight months. I have been agitated over the slop contract of the city, afterwards.

Q. Is there an indictment pending against you, Mr. Morrissey; now?—A. Not that I know of.

Q. There was one, however?—A. Not pending against me.

Q. What has become of it?—A. There was an old indictment some years ago; I have got an acquittal of that; if you will excuse me for an hour or so I can furnish it to you.

Q. Were you ever tried on it?—A. No, sir.

Q. What was that indictment for?—A. Well, really, I don't know the sense of it myself; I never could find out; I never had any trial on it; it was dismissed; that is some six or eight years ago.

Q. Then you do not know what it was for?—A. I don't know what it was for; they never tried me; myself and another party was indicted, but we were not informed, and could never find out what we were

indicted for; we never had a trial; I never read it; I never see it; it was never even called up for trial.

26 Q. It was something concerning an alleged ring here for concerning street improvement contracts?—A. I don't know that there was any ring in being at that time; I never heard of it.

Q. That was the charge in the indictment, was it not?—A. I don't know, sir; I don't think so; I never seen the indictment; I never see a copy of it.

Q. And you don't know what the charge was?—A. I don't know what I was indicted for no more than the man in the moon.

Q. Is this man, Morris Lyons, who you say lives at 2714 Sheridan avenue, the same man who was one of the directors in the Broadway Bank?—A. No, sir.

Q. He is a different Morris Lyons?—A. A different man; yes, sir.

Q. You say there is another Lyons lives there; do you know what his name is?—A. Dennis; they are two brothers.

Q. Has Morris Lyons any middle name?—A. Not to my knowledge.

Q. Just plain, straight Morris Lyons?—A. Morris Lyons and Dennis Lyons; that is the only name we know them by; I know both brothers personally.

Q. There are no other men of the name of Lyons living at that number, except Dennis and Morris?—A. They have another brother, but he is not in town at present.

Q. What was his name?—A. I think it is Pat; he has been away for about five years.

Q. I believe you testified that you did not ascertain and did not know how long Charles Murphy had lived at 2907 Cass avenue?—A. If testified that I did not know, that is correct; I don't know how long he has been living there.

Q. Do you know whether 2421 Glasgow avenue and 2121 Glasgow avenue are in the same voting precinct?—A. Well, I don't think there is any such number as 2124 Glasgow avenue.

Q. No, no; my question was 2121?—A. There is no such number; couldn't find it.

Q. Well, would those two places, that is, anywhere between Twenty-first and Twenty-fourth streets on Glasgow avenue, be in the same voting precinct as 2124?—A. Why, if there was such a place as that, suppose it would be in the same voting precinct, because the precinct runs from Cass avenue to past that place; there is no such number as 2100 that I could find at all.

Q. And you also testified that you did not ascertain and did not know how long Mr. T. D. Robertson had resided on Boston street between Grand and Spring avenue?—A. No, sir; I didn't make any inquiries as to how long he had lived there. I only know that he has been living there, and is living there yet.

Q. And the same is true concerning Mr. Flanigan, on Grand avenue between Parsons and Spring street?—A. Yes, sir.

Q. Did you ascertain what day in November Mr. Rofe, or Rafe, or Re moved from 2901 Cass?—A. No, sir; I couldn't tell whether it was November or December or January that he moved; I only know that I ascertained that he was living there at the time of the election.

Q. Who did you make that inquiry of, and from whom did you learn that fact?—A. I inquired at 2901 Cass avenue, of Mr. Corkan; he the saloon keeper there; he knows the whole neighborhood.

Q. Now, it is true, is it not, that 2900 Cass avenue is not in the same voting precinct with 2901?—A. Yes, sir; is on the south side of the

street, and 2901 is on the north side of the street; you all know that divides the precinct as well as I do.

Q. Yes, sir; but the people who are going to investigate this record don't know that; consequently if a man lived at 2901 Cass avenue, and registered and voted in the precinct in which 2900 is situated, he registered and voted wrong—in the wrong precinct?—A. Why, of course; he would not be in his right precinct.

Q. Provided he lived at 2901?—A. No, if he lived there he would be across the street, and he would be out of that precinct as a matter of course. He should have registered and voted in another precinct.

Q. Now, did you ascertain when William Bennett died?—A. No, sir; I didn't ascertain the date of it; but I found out that he had died since the election; so I was informed.

Q. Did you ascertain whether or not he was on his death bed and unable to go to the election; and, in fact, did not go to the polls?—A. They told me that he had voted at the election and that he had died since the election. I think that Mr. Corkan or some of those parties told me that.

Q. Who was it?—A. I wouldn't say positively whether it was Mr. Corkan or some other gentleman; that I couldn't swear to positive, sir; but somebody there told me that.

Q. Where was the polls for that precinct at that election, for 2900 Cass avenue?—A. I believe they were on Sheridan avenue and Clay.

Q. Several blocks away from Mr. Corkan's house?—A. Just one block east and one block south.

28 Q. Two blocks away from there, then?—A. Yes, sir.

Q. You didn't ascertain when all these people moved away from this boarding-house—Bartholomew, Wilson, and MacNeal?—A. Bartholomew told me they all moved at the same time; one of the parties, I believe, kept the boarding-house, and the other two boarded there. Bartholomew told me himself that they moved some time after the election; he didn't state what date. I asked him if he lived at 1410 on the day of the Presidential election, and he told me he did.

Q. Did you ascertain when this man George Bryan moved away from 2909 Cass avenue?—A. No, sir.

Q. Did you learn when Mr. Thomas Nugent moved away from the same number?—A. I did not.

Q. Did you learn when Mr. Keyon, or Kinyon, moved away from 807 Benton street from that lady whom you saw living at that number now?—A. To the best of my opinion it was some time about the first of January, if my recollection is right.

Q. And you found that Michael Fury never did live at 1806 Benton, but that he is living and still lives at 1816 Benton street?—A. Yes, sir.

Q. Do you know George Rippey personally?—A. No, sir.

Q. Have you given all the testimony, or all the information, that you have concerning his residence?—A. I got that from one of the parties in the house; that he is still living there, and has been living there for some time.

Q. And that is all the information that you have?—A. That he lives there and has been living there for some time; yes, sir.

Q. And some lady in the rear of 1822 Montgomery street told you that James J. Barry had lived at that number, but had moved away; do you know when he moved away?—A. I didn't ask her if she could tell me; I simply asked her if she could tell me whether he lived there at the time of the Presidential election; that is what I wanted to find

out. She said she was positive that he had been living there at the time, because she heard him and her husband talking about the election before and after the election; still she couldn't give me the date when he moved away from there.

Q. Do you know where he did move to?—A. She told me he had moved off south of Cass avenue to his wife's father, I believe. I did go to see him, as she didn't know exactly his number, or the street; she said it was south of Cass avenue.

Q. And you didn't find James Sullivan at 1512 Monroe street?
29 but you did find him living in the rear of 1516 Monroe, where he had lived some years?—A. I think it was three years, his wife said.

Q. Now, did you give me all the information which you have concerning Thomas Haines, 3200 Thomas street?—A. Yes, sir; Mr. Haines is a fireman at the engine-house there on Easton avenue; he has lived at that number for six months. I was speaking with him myself.

Q. You are sure that you found him at that place?—A. I found him at the engine-house; he told me he lived at 3200 Thomas street.

Q. Notwithstanding the fact that one of your associates, Mr. Jones, who was sworn as a witness in this case, testified that this man resided at 3107 West Division street, and has lived there for eleven years?—A. I think that the name is Thomas Harris; but there is no such man as Thomas Harris; it was Thomas Haines. I spoke to the gentleman myself; he says he has been living there that length of time. I found him at the engine-house.

Mr. DONOVAN (to Mr. Pollard). Your information is wrong, because Mr. Jones reported in regard to Thomas Taylor, and not in regard to Thomas Haines; and the number, instead of being 3200 Thomas street was 3137 West Division street, where Mr. Thomas Taylor lives, and not Mr. Thomas Haines.

Mr. POLLARD. The gentleman, if he was on the stand, could testify very readily and very fully about all these people; but the record will prove my statement absolutely correct to the letter.

WITNESS. I know Mr. Haines personally; he is living at 3200 Thomas street.

By Mr. DONOVAN:

Q. And it is Mr. Thomas Taylor, who lives on West Division street?—A. I say I know Mr. Tom Taylor for years, and I have heard him say that he has lived on West Division street for fifteen or sixteen years. I know him myself to have lived there for nine or ten years.

By Mr. POLLARD:

Q. Do you know what number he is living in?—A. I don't know the number; still I know where he lives.

Q. Isn't it true that there is no number so high as 3157 West Division street?—A. Well, I couldn't swear to that; the numbers may run higher. Mr. Lancaster lives a little west, I know, and his number is 3148, south side of the street; there are at least twenty houses on this side of the street before you come to his house—before you come to Easton avenue.

30 Q. And you say this man lives east of Lancaster's?—A. Well, it might be east one or two houses. It is Taylor I am talking about.

Q. You say that James Lancaster lives on West Division street?—A. The West Division street has lately been changed out here. I know the two Lancasters live now in Brantner place.

Q. Now, are you prepared to say that he is the identical man; the man who went to the polls on election day and specially registered himself as residing at 3148 Dickson street?—A. No, sir; I wouldn't say that; I couldn't. That man may have registered and voted from another place for all I know; I wasn't there to see him register or vote. All I know is that there is no such number as 3100 Dickson street.

Q. Now, you didn't give us the address that was on the list furnished you against the name of William J. Pentland; will you please do so now?—A. It was on Sheridan avenue; south side of Sheridan avenue.

Q. I have the answer which you gave as his present supposed residence as 3232 Sheridan avenue.—A. I think that both numbers are on that building; that is, 3232 and 3146. I mean to say this: that both numbers are over the door. The lady told me that they had had four numbers, either three or four, inside of as many years; that the city had been changing those numbers all the time.

Q. And they have two over the door now?—A. To the best of my opinion there are two over the door now; that is my present recollection.

Q. Then how did it happen that they didn't take down the old number when they put on the new?—A. I don't know why it was not done; that is the city officials' business, not mine.

By Mr. DONOVAN:

Q. How did you find many of these names and addresses as compared with the registration books, if you examined them?—A. They were wrong; either the name was wrong or the number. For instance, I remember the list gave it as 2615 Dickson street, instead of which the man, to my certain knowledge, has been living on Dayton street for years. Then there was Morris Lyons; they had him him 2914 Sheridan, when it should have been 2714.

Q. And you found a great many misprints of that character?—A. Yes, sir.

By Mr. POLLARD:

Q. And you didn't find Morris Lyons at 2914 Sheridan?—A. No, sir, I couldn't; it is 2714.

Q. Isn't it true that in almost every instance, either you found the name to be wrong, or his number to be wrong, on that list which was handed to you?—A. No; not in every instance.

Q. I said in most every instance?—A. A good many.

Q. A large portion of them?—A. Well, there was a good many of their names that were wrong, or the numbers were wrong; most generally the numbers; a great many of the names was all right, and the numbers also.

Q. Have you any interest in the result of this contest, Mr. Morrissey?—A. None at all.

Q. You are a personal friend of Mr. Frost's?—A. I have always been.

Q. And voted for him at the last election?—A. I have voted for him every time that he ran for Congress, and I will vote for him again if runs.

Q. And you worked for him?—A. I did, and I would again, if he runs; I would do all I can to have him elected.

Q. Did you have any bets on his election this last time?

WITNESS. This last time?

Q. Previous to his election?—A. After the election was over, I had.

Q. How many did you have?—A. Well, I believe I had two or three.

Q. You bet that Mr. Frost was elected ?—A. I did, after I seen returns. I bet on a sure thing; but I didn't get the money yet, all same.

Q. And won't get it until this contest is determined ?—A. Never get it; I have got my own fifty dollars back, and that is all I ever pect to get. I believe it was two days after the election, when I s the returns at Dick Walsh's office, that I made the bet.

By Mr. DONOVAN :

Q. The bets were withdrawn ?—A. That one bet was.

Mr. POLLARD. The other one was not withdrawn ?—A. That did amount to anything; it was a dollar or two; it didn't amount to an thing; they were small bets.

Signature waived.

32 MICHAEL MORAN, produced, sworn, and examined on the p of the contestee, testified as follows :

By Mr. DONOVAN :

Question. What is your name ?—Answer. Michael Moran.

Q. What is your business ?—A. I am superintendent of the Uni Railway Company.

Q. Do you know a very disinterested and impartial letter carrier named J. B. Nichols ?—A. Yes, sir; I know a letter carrier of th name.

Q. Did you see him on election day ?—A. Yes, sir; I did.

Q. Where at ?—A. I saw him, if I am not mistaken, on Grand aven and Salisbury street.

Q. At the fair grounds polls ?—A. Yes, sir.

Q. Was he in uniform ?—A. Well, I am not positive; I think he w partly in uniform, but I am not quite positive about that; my impres ion is that he had on his uniform pants. I don't think he had on h uniform coat and hat. My impression is that he had on his unifor pants.

Q. Was he taking an active part at that poll ?

Mr. POLLARD. I object to that question, because it is immaterial as irrelevant, whether he was taking an active part in it or not; he had perfect right to do so, if he saw fit to do it; probably it was his dut as well as his right.

WITNESS. Well, he was at the time I saw him.

By Mr. DONOVAN :

Q. Was he there at the opening of the polls ?—A. Well, he was the while I was there; the polls hadn't been opened; when the polls w opened, I was there, and there was no ballot cast when I left there.

Q. Were you appointed a judge at that poll ?—A. Yes, sir; I w appointed a judge.

Q. Did anybody object to your serving as judge ?—A. Well, he di I think, with some others.

Q. Did he remain at the poll while you you were there ?—A. Yes, si he remained while I was there.

Q. This same gentleman has made some very disinterested repor regarding gentlemen on his route—not being able to find them; he r ported something to that effect regarding George Gunsollis; do y know him ?—A. Well, I have heard of him; I have seen him once; I was shown to me as George Gunsollis.

Q. Is he or is he not a well known citizen in the Twenty-thi

ward ?—A. Well, by reputation he is ; I have heard of him a good deal.

Is not also Fred. Young a well-known citizen ?—A. He is a well-known citizen ; I don't know him personally, but I have heard a good deal about him in the Twenty-third ward.

Is not also Walter L. Graydon a well-known resident in that part of the city ?—A. Well, I have heard of him being a prominent citizen. I don't live in the Twenty-third ward ; I am on the bounds of the Twenty-third ward ; our place of business is close to the bounds, and I know these men to be well-known citizens ; I have heard of them all.

Cross-examination by Mr. POLLARD :

You are a Democrat, are you not, Mr. Moran ?—A. Well, I am a straight one, although I am not a straight one.

You voted for Mr. Frost ?—A. Yes, sir ; I have.

And you therefore have some interest in having him retain his

—A. Well, I was anxious to see him be the Democratic nominee of the party ; I was anxious to see him elected, and I took interest in him to see that I voted for him.

His nature waived.

LEN SINCLAIR, produced, sworn, and examined on the part of the State, deposeeth and saith as follows, to wit :

By Mr. DONOVAN :

Question. Give the notary your full name, please ?—Answer. Allen Sinclair.

Mr. Sinclair, how long have you been living in the city of Saint Louis ?—A. Twenty-two years.

Are you acquainted with one J. B. Nichols, an impartial letter carrier ?—A. I am acquainted with one J. B. Nichols ; I can answer much of your question.

A letter carrier ?—A. Yes, sir.

Q. Did you see him on election day ?

WITNESS. What election day ?

Q. November 2d, 1880.—A. I saw him at the November elec-

At the polls on Grand avenue and Salisbury street ?—A. Yes,

Did he remain there during the day ?—A. Well, he was there all day as far as I was there myself.

Was he in uniform ?—A. I suppose I put in at least one-third of the day lay back and forward ; very nearly that. Well, he had on, I think, a uniform, but not his coat ; his gray pants with a stripe.

Was he taking an active part there as a politician ?

POLLARD. I object to that as immaterial and irrelevant ; a man has a perfect right to take an active part at the polls ; I apprehend it is his duty, and especially if he thinks it to be necessary to see that the election may be had.

DONOVAN. I don't doubt his right, but since he has sworn upon the stand and given evidence in regard to old citizens not living where he had lived for years, and also eulogizes himself as being a disinterested and impartial man as to politics, I want to inquire into a few things in regard to his political work.

POLLARD. Mr. Nichols gave no such testimony ; he never did

eulogize himself; he did not testify that any old and prominent citizen did not reside where they did, in fact, reside; on the other hand, notwithstanding the fact that the contestee has put on to this witness nearly a dozen men by whom he has endeavored to prove that Mr. Nichols was mistaken, or had sworn falsely in many regards, has wholly and totally failed to make that clear; but he has in reality substantiated the testimony of this letter-carrier by his own witness.

Mr. DONOVAN. Do not be alarmed, Mr. Sinclair; that kind of talk usually comes about this hour of the day.

Mr. POLLARD. From the contestee.

WITNESS. He was taking quite an active part.

By Mr. DONOVAN:

Q. For what party?—A. It was in the interest of the Republican party.

40 Q. What was he doing there all day?—A. Directing the general work, some way or other, the voting, judges, and clerks; the judges and clerks were all raw men—new men—and he appeared to post them up.

Q. Did he remain there until the close of the polls?—A. He was there until all the votes were counted up; I was in the room with him and I were the only two persons in the room at the time the votes were counted; I mean outside of the judges and clerks; they were certainly included.

Q. Now, this impartial letter carrier has reported in regard to a number of citizens as not being found; I will pick out a few of them; one of them is Walter L. Graydon; do you know him?—A. I do.

Q. How long have you known him?—A. I have known him about twenty-two years; ever since I have been in Saint Louis; I had occasion to bury an old lady out there; also an uncle of my wife's; I have seen him since.

Q. How long has he lived out there at that place?—A. It has been about twenty-two years; he has been there in the employ of the cemetery company ever since then, as superintendent or something, of the Bellefontaine Cemetery.

Q. Well, he has made similar reports in regard to Fred. Young, constable of the Twenty-third ward; is he well known out there in that locality?

Mr. POLLARD. I object to that question, because the gentleman has proved by his own witness that Mr. Fred. Young did not live in that place that he lived in when he registered; that he never lived in that place; and that is exactly what this letter carrier Nichols swore to.

WITNESS. To make that matter short, I don't know who the man is at all.

By Mr. DONOVAN:

Q. Do you, or do you not, know him to be a well-known citizen at all?—A. I don't know Mr. Fred. Young at all; if he was constable ought to be known there, that is certain; but personally I don't know the man.

Q. Do you know George Gunsollis?—A. I know him; I have known him since he was a boy.

Q. Is he, or is he not, a well-known citizen on this letter carrier's route?—A. He ought to be well known wherever he is.

Q. He is a well-known citizen?—A. Yes, sir.

Q. Mr. Sinclair, will you tell us how affairs were conducted at that poll, 167, on that day?

41 Mr. POLLARD. I object to that question for the reason that it is immaterial.

WITNESS. Well, in what way? I don't understand you.

By Mr. DONOVAN:

Q. Well, were there any irregularities there, that were apparent?—

A. Well, there was one thing I thought was quite irregular; there was none of the original judges or clerks that was appointed by the mayor that served, because I know each one of them, except one, and that was one of the clerks; I didn't know him.

Q. Was there any of them that were sought out up there?—A. Mr. John Dugger was a druggist, he was there; there was a good deal of delay in the morning about opening the polls; it was after seven o'clock before any of the judges put in their appearance, and they went and came after me, then they went off; Mr. Dugger came over and said he wouldn't serve—couldn't serve; Mr. Mike Moran came; he was one of the appointed judges, and he was sworn in. I am testifying of my own knowledge, and I will testify to nothing else at all; I know all this because I was there; Mr. Dugger swore in Mr. Moran, and then Mr. Dugger left—left Mr. Moran the only one that was sworn in. They then made a list for fifteen voters to appoint the judges and clerks; there was several waiting there; so Mr. George Finnegan came and one or two others and were sworn in by Mr. Moran; Mr. Moran was objected to as not living in the precinct—

Q. Who did the objecting; Nichols?—A. Mr. Nichols and Mr. Albert Dusin; he is foreman in the fair grounds. Mr. Moran then left; of course, as he didn't live in the precinct he couldn't serve; I suppose that Mr. Dusin, then, was one of the judges; he stood up with the rest of them when they were sworn in; I didn't notice whether he was sworn in or not; he was deputy marshal; I didn't know that; I think he was one of the judges; he was there assisting as one of the judges; setting round the table there all during that day.

Q. And acting as one of the judges?—A. Setting there and acting in the capacity of one of the judges with the other judges and clerks at the table; I suppose he was one of the judges; I don't know. He staid in the room at the table pretty near all day; I was there a third of the day; he was there in the evening and assisted in counting the votes.

Q. Do you know anything in regard to Republican votes being received at that poll by the back door after the poll had closed?—A. No, sir; I do not.

Q. Were you present at poll 165 at any time during that day?—A. I was; I was there at about eight o'clock; I drove down there at about eight o'clock and met Mr. John Ernst there; he was the central committeeman of the Sixteenth ward and no poll book or ballot-boxes were there, and he didn't know where they were.

Q. What was the vote at these polls, Republican or Democratic majorities?—A. They were Republican majorities.

Q. At both polls?—A. At both polls.

Q. How did they act, not having the poll books or ballot-boxes?—A. They had a poll book there; I believe they obtained it from the Republican central committee, the precinct committee rather; they used a cigar box for the ballot-box; they were using that when I came there. Mr. Ernst and I agreed that we would go down to the city hall and see Mr. Walsh, and find out where the ballot-boxes and poll books were. I drove right down and we waited until nine o'clock for Mr. Walsh; Mr. Walsh showed his receipt and showed that the poll books and ballot-

boxes had been received by Mrs. Charles Donohue, Mr. Charles Donohue being in Chicago.

Q. Well, the poll books that they were using then during the great part of the morning were poll books that were handed in to them by the Republican central committeeman?—A. I saw the poll book they were using (they only had one); I know that the precinct committeeman had that poll book, and they were using that poll book that they had received from this Republican precinct committeeman; and for ballot box, they had an old cigar box; now, I am not positive what poll book they were using, whether it was the revised registration, or whether it was the precinct book filled with the revised registration.

Q. You don't know of your own knowledge whether it was an old poll book or a new one?—A. No, I don't know from my own knowledge. I didn't look at the book; I saw the book before them as they were coming up to vote; they were asking questions about the boxes; was about nine o'clock before the right boxes and books were produced there; between eight and nine o'clock; because it was eight o'clock when we left the polls to go down-town.

Q. At what hour in the day did they get the proper poll books?—A. I think, about between eight and nine o'clock.

Q. And the poll opened at what hour?—A. Well, I was not there at the time the polls opened; I was at precinct 167 when that poll opened and remained there until after the voting commenced.

Q. Do you know what time polls usually open in this city?—A. At sunrise; at that time of the year it would be about half past six o'clock I suppose, or a quarter past six.

43 Q. Is it or is it not usual that the heavy vote is polled in the morning just between those hours—half past six to eight or nine o'clock.

Mr. POLLARD. I object to that question, for the reason that it is total and wholly irrelevant and immaterial; I don't care whether it was heavy or a light vote.

WITNESS. Yes, sir; it is usually the heaviest vote that is polled the morning as the men go to their work.

By Mr. DONOVAN:

Q. Early in the morning?—A. Early in the morning.

Q. By people going down to their work?—A. Yes, sir; they present themselves there before the polls even are opened.

Q. Do you know when they took the ballots from the cigar box, and put them into the regular box?—A. No, sir; I don't; I was not there.

Q. Do you know whether they did that at all or not?—A. I don't know that.

Q. Do you recollect what the Republican majority was at that poll?—A. No; I don't think it was over a hundred; perhaps 135; something like that; I suppose it was about that; yes, I was mistaken; it was considerable over a hundred; I can tell you exactly, though, at poll 166 because I was there.

Q. I mean the majority in all, not the total Republican vote?

WITNESS. Well, at which precinct?

Q. At precinct 165, where they used the Republican central committeeman's poll book, and used the cigar box.—A. Well, it was over a hundred; considerably over a hundred.

Q. You do not recollect exactly now, what the correct figures were?—A. No, sir.

Q. What was the vote at the other poll—167?—A. There was a hundred and one votes polled; that was the total in 167.

Q. Well, what was the Republican majority at that poll?—A. It was 42, I believe; 41 or 42; I kept a tally of it there.

Q. Mr. Schwaner when he was on the stand testified that certain hospital patients voted at poll 165; do you know whether that is true or not?—A. Well, there is no hospital patients in that precinct; there is what is called the Little Sisters of the Poor; that is a home for old persons.

Q. Supported by public or private charity?—A. It is private, sectarian; not public institution at all.

44 Q. What did you observe in regard to the use of Chronicle tickets at these polls?—A. Well, I noticed at all precincts in the ward that there were Chronicle tickets.

Q. Were they a ticket that was calculated to deceive or fair tickets?

Mr. POLLARD. I object to that as immaterial, and because it is not for this man to determine whether such a ticket was designed to deceive or the contrary.

WITNESS. It was a mixed ticket; it was made up of all parties; it belonged to neither of the two great parties; it was a mixed ticket, made up out of the two parties.

By Mr. DONOVAN:

Q. Was it or was it not a ticket calculated to deceive the honest voter?

Mr. POLLARD. I object to that question. I apprehend that you can ask the witness whether the ticket deceived him or not, but he has no right to testify whether or not it would deceive any one else.

WITNESS. Well, I think it would mislead the honest voter, unless he was a pretty shrewd or pretty sharp man; he wouldn't be apt to notice it; he might notice Mr. Sessinghaus's or Mr. Frost's name, and he might conclude from that that that was the proper ticket for him to vote, whereas it might be full of names that he had no desire to vote for. There were many names substituted on the Chronicle ticket besides the Republican nominees.

By Mr. DONOVAN:

Q. And also other names substituted for the Democratic nominees?

—A. Yes, sir; but the majority of them were Republican.

Q. Mr. Sinclair, do you know anything regarding the use of a ticket designed deliberately to mislead the honest Democratic voter, which was a Democratic ticket with the name of Mr. Frost on it, but had him on for Congress for the second Congressional district instead of the third Congressional district?

Mr. POLLARD. I object to the question, for the reason that it is totally and wholly irrelevant and immaterial, having nothing in this world to do with this matter, because if there was any such ticket as that got out, it was prepared by Mr. Frost himself.

45 Mr. DONOVAN. It is very likely that he would issue a ticket which was against his interests, inasmuch as every such ticket voted would be null and void, because Mr. Frost was not running for Congress in the second Congressional district, and, therefore, it would be very much to his own advantage to cut his throat, and the gentleman knows that his objection is perfectly silly.

Mr. POLLARD. I know that those tickets are proved in this record; that they were printed at the instigation of Mr. Frost himself by a leading Democratic paper in this city—a German paper, and the only German Democratic paper in this town.

Mr. DONOVAN. Again whole cloth.

WITNESS. I will say there was a ticket headed, "Independent Hancock ticket," with the Democratic electors. I think the majority of them were Republicans. The names were—the majority of them—Republican, but with the name of R. Graham Frost for the second Congressional district. I can exhibit the ticket, if you want to see it. I can read it to you to show you what it is.

Q. How is that ticket headed?—A. Hancock independent ticket.

Q. What are the politics of the Presidential electors?—A. Supposed to be Democratic.

Q. And the governor?—A. Democratic.

Q. And the lieutenant-governor?—A. Democratic.

Q. And the secretary of state?—A. Democratic.

Q. And the State treasurer?—A. Democratic.

Q. And the State auditor?—A. Democratic.

Q. And the attorney-general?—A. Democratic.

Q. And the register of lands?—A. Democratic.

Q. And the judge of the supreme court?—A. Democratic.

Q. And the railroad commissioner?—A. Democratic.

Q. Now, above the name of R. Graham Frost what appears?—A. "For Representative in Congress, second Congressional district, R. Graham Frost."

Q. Now, these are the tickets that were to be used in the third Congressional district?—A. They were there to be used.

46 Q. Were there many of them?—A. Well, I saw it at three or four precincts.

Q. Bundles of them?—A. Yes, sir.

Q. On the table?—A. Lying on the table.

Q. For voters to take up?—A. Yes, sir.

Q. Now, isn't it a fact that if one of these tickets went in for Mr. Frost in the second Congressional district, it would be unlawful?—A. Oh, certainly.

Mr. POLLARD. I object to that question, and answer because the record shows that two or three of those votes were polled in the third Congressional district, and were counted for Mr. Frost; the record shows that.

Mr. DONOVAN. Again whole cloth. Now, for sheriff of the city of St. Louis, will you look at that ticket and see who it was, and what its politics are?

A. Morgan Boland; Democratic.

Q. Horner for circuit judge?—A. Democratic.

Q. J. Gabriel Woerner?—A. Democratic.

Q. For circuit attorney?—A. Democratic.

Q. And assistant?—A. Noonan; he is Democratic.

Q. Matrom D. Lewis, public administrator?—A. Democratic.

Q. And the coroner?—A. He was Democratic.

Q. What are the politics of the gentlemen who ran for Representatives, if you know?—A. State senator, thirty-third senatorial district, Henry L. Rogers, is a Republican.

Q. And the representative?—A. Frank Merryman; he is a Democrat; Charles C. Allen is a Republican.

Q. Richard M. Wray?—A. Democratic.

Q. And the politics of Seymour D. Thompson?—A. He is a Republican.

Q. Do you know why it was that the people engineering this ticket placed above the name of R. Graham Frost, "For Representative the second Congressional district"?

Mr. POLLARD. I object to that question, for the reason that although this witness does not know, the proof in the record already shows that this ticket was got up at the instigation of the contestee himself, and printed as I have already stated by the only German Democratic paper that is now in the city.

By Mr. DONOVAN:

Q. Do you know why Mr. Frost should put himself down as a candidate for Congress in the second Congressional district instead of the third Congressional district, when it is so evident by so doing he would eat himself?—A. It wouldn't be rational, certainly. In our ward we had an instance of it; we had a constable of the Fourteenth ward on our tickets up there; so when it came to counting it was decided that those votes were illegal; that he was not running, and could not hold that office in our ward; they asked what my opinion was about the matter; my opinion was that they couldn't count them; they didn't apply to our ward.

Q. Tickets of this kind are never counted when they show that the candidate was voted for in a district where he didn't live and was not running as a candidate?—A. He didn't reside there, and was not a candidate in that district.

Q. Was not the same thing done here in other cases in previous years, or don't you know?—A. Yes, sir; I recollect distinctly about that.

Q. Where a mistake or a fraudulent ticket like this would cause a vote in the second Congressional district for a man that was running in the third Congressional district, or a vote cast for a man in the third Congressional district who was running in the second Congressional district to be thrown out and not counted; do you know of those instances happening?

Mr. POLLARD. I object to that question, because it is wholly immaterial, irrelevant, and incompetent, and has nothing in the world to do with this case.

WITNESS. No, sir.

By Mr. DONOVAN:

Q. Well, this fraudulent ticket, designed to deceive and mislead voters so far as R. Graham Frost was concerned, you say was there in bundles?—A. Yes, sir.

Q. Throughout the wards?—A. I don't say that; I say it was at some of the polls—perhaps three or four of them; I was not particular in noticing all the places—when the attention of the judges and clerks was called to them, they were ordered to be removed.

3 Cross-examination by Mr. POLLARD:

Q. What is your business, Mr. Sinclair?—A. I follow the painting business.

Q. Have you ever held any office in this city?—A. Yes, sir.

Q. What was it?—A. Member of the school board.

Q. When were you elected?—A. It was in '74, I think; '73 or '74.

Q. For how long a term?—A. Well, I was elected for three years; the Scheme and Charter changed the term, and I was re-elected.

Q. When were you elected the last time?—A. It was in '77, I think.

Q. For how long a term?—A. Three years.

Q. Were you re-elected since that time?—A. No, sir.

Q. You did not resign?—A. No, sir; I did not.

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Q. What is your politics ?—A. Democratic.

Q. You were elected as a Democrat ?—A. I was elected on the Democratic ticket ; nominated by the Democrats, and was elected by them.

Q. You are rather a politician, are you not ?—A. Well, I have of late years been something in the line of politics, I suppose ; I have taken some interest in politics, that is all.

Q. How many polls did you visit on last November election day ?—A. I visited every one that was in the ward, which was eight.

Q. Devoted your whole day to that business, did you not ?—Yes, sir.

Q. How long were you at this polling precinct, 165 ?—A. I was there different times.

Q. You haven't given any testimony here second-hand, have you ?—A. No, sir ; I have not ; only from my own knowledge.

Q. Not a word ?—A. No, sir ; nothing at all ; not from hearsay ; I only speak from what I have seen.

Q. When was the proper polling book produced at polling precinct 165 ?—A. Well, it was between eight and nine o'clock.

Q. Where were you then ?—A. Mr. Ernst and myself were at the city hall.

Q. You were not at the polls when it was produced ?—A. No, sir ; I was not at the poll when it was produced. When we got
49 back—we staid away until after nine o'clock—we went down to the city hall and had to wait for Mr. Walsh to come, which was at nine o'clock ; then he showed me his receipt and told me where and when the ballot-boxes had been delivered.

Q. What time did you get back ?—A. It must have been about twenty minutes past nine o'clock.

Q. And you call that personal knowledge—in regard to the time of the production of the proper polling books—you call that personal knowledge, just like the rest of your testimony that you have given here, I suppose ?—A. It must have been produced ; it was there when we got back.

Q. Some twenty minutes after nine ?—A. Yes, sir.

Q. Now, why didn't you state that somebody told you that ?—A. I know the poll books and ballot-boxes were there, because when I got back there they were using them ; they said the poll books and ballot-boxes were brought while I was gone, and I looked in and saw them there.

Q. But you know that of your personal knowledge, like all the rest of your testimony here to-day, that that poll book was produced there between eight and nine o'clock, when you swear here that you left that poll at eight or a little after eight in the morning and did not return from down town again until twenty minutes past nine ?—A. Yes ; I know that when I returned the poll books and ballot-boxes were there ; I know also that they were not there when I left to go down town ; I was not particular to a minute as to when I left and when I returned ; but I know the poll book and the ballot-box were not there when I left with Mr. Ernst, and they were there when I come back—when we returned a little after nine o'clock.

Q. Now, I want to know if all your testimony is based on the same positive, personal knowledge that that portion of it is, or is it hearsay, just like that ?—A. No, sir ; it is not hearsay ; I swear to what I know.

Q. You know the book was produced between eight and nine o'clock ?—A. Between eight and fifteen minutes after nine.

Q. Did you not testify in your direct examination that the books

were produced there at that poll between eight and nine o'clock?—A. Yes, sir.

Q. Now, you don't know that of your own knowledge, do you?

Mr. DONOVAN. I must object to this extremely ridiculous cross-examination; the witness has repeatedly stated, and over and over again, that they were produced between the time he left there to go down to the city hall and his return; now what is the object of aggravating the witness on such trivial matters as to the exact minute when he got there; he knows they were there at the time he returned, and he likewise knows that they were not there at the time he got into his buggy with Mr. Ernst and went to the city hall to look what had become of them.

By Mr. POLLARD:

Q. When you got back there at twenty minutes or half past nine some of them told you that that book had been produced between eight and nine o'clock, didn't they?—A. I say that the poll book was there when I returned; that and the ballot boxes; I saw this.

Q. Will you please answer my question?—A. Yes, sir.

Q. And that, in fact, is the only way you could know that they had been produced between those hours; wasn't it?—A. Well, between those hours; I stated positive, and repeat it again, that they were there when I got there from going after them down town to Mr. Walsh's office.

Q. Now, what I want to know is whether the statements which you have sworn to here this afternoon, as based on your personal knowledge, are based, like this statement, upon hearsay?—A. No, sir.

Q. What time of the day did you go to polling precinct 167?

WITNESS. In the morning?

COUNSEL. In the morning.

A. I went at the usual time of opening the polls in the morning; I was there after six o'clock, or about ten or fifteen minutes past six.

Q. How long did you stay?—A. I staid there until it was about half-past seven, I think; until the polls were opened.

Q. This man who wanted to act as judge there was not a resident of that precinct, was he?—A. One of them, Mr. Moran, was not a resident.

Q. Is he superintendent of the Union Railway?—A. Yes, sir.

Q. The witness who last preceded you on the stand?—A. Yes, sir.

Q. How long were you at polling precinct 165 during that day?

WITNESS. During the entire day?

COUNSEL. During the day?

A. I was there at different times.

Q. What portion of the day?—A. I was there at eight o'clock; I was there a little after nine, when I returned, and I remained at least half an hour; may be three-quarters.

Q. Till after ten?—A. No, sir; I didn't say that it was after ten.

Q. When did you go, then?—A. Well, it is pretty hard for me to say; I went to several others; I can't tell exactly what polls I went to; I visited different polls from the eight precincts; I visited all of them, I suppose; I spent most of my time at polls 167 and 170.

Q. What portion of the time were you at poll 170?—A. I don't know exactly; it was during the forenoon and in the afternoon; several times.

Q. You say that after the election was over you learned that this man Dusin was a deputy marshal there?—A. Yes, sir.

Q. How did you learn that?—A. I learned that as I learned a great many things, by being informed that he was such; that is all; I did not ask him the question.

Q. Who told you that?—A. I could not tell you particularly who it was mentioned it to me.

Q. And you know that as you know most of the other testimony which you have given here?—A. How do we know anything? If we see it in the paper or see the thing. How do we know that Mr. Garfield is President? Only by hearsay.

Q. Please answer my question. You learned that and know that just as you know the other things which you have detailed in evidence here this afternoon?—A. I have detailed facts here.

Q. Will you please answer my question?—A. I know that I was told that he was marshal.

Q. You didn't say that in your testimony in chief; why didn't you tell us that was the manner of obtaining your personal knowledge?—A. I do know that he was marshal only because I was told he was the marshal; I didn't see him sworn in.

Q. And isn't it true that every bit of the testimony that you have given here you have learned in the same way—by somebody telling you?—A. No, sir; I deny it.

Q. Well, we will proceed a little further, and see what you know of your own personal knowledge. The only irregular thing you saw up there at precinct 167 was that some man who didn't live in the district, and who under the law was not qualified as judge, sought to seat himself there as judge of election that day, but because they went to work under the law and pursued the law literally and strictly, the election judges—those being qualified refusing to serve, and those desiring to serve being not qualified—the voters there assembled did not allow this non-resident to serve?—A. Mr. Moran was appointed by the mayor; he didn't seek it; I heard him say that he had made no application for it.

52 Q. And that was the irregularity, was it not?—A. That was not the only thing; I say that the judges was not properly sworn in; they were sworn in by Mr. Dugger, who was not a notary public, and has no authority; I know he has not.

Q. How do you know?—A. I never saw his shingle; I never heard him taking any acknowledgments; nor have I heard him doing any of the business of a notary public; in fact, I made an inquiry to post myself on that matter to know whether he was a notary public.

Q. Of whom did you inquire?—A. From Dr. Stanley, who lives next door to him.

Q. And consequently you are prepared to swear here point blank that he is not a notary, because somebody who lives next door to him told you he was not?—A. That is the only source I have for obtaining that information.

Q. Now, isn't it true of all the other testimony that you have given in this case—that it was all obtained in the same way?—A. No, sir; not at all; not exactly.

Q. Very well, let us proceed a little further; who is this man Ernst at 167?—A. He is the Democratic central committeeman for the Sixteenth ward.

Q. Are you a Democratic central committeeman?—A. No, sir.

Q. You haven't the least personal feeling against Mr. Sessinghaus?—

A. I haven't the least in the world; I am only sorry that I have to testify here; I kept myself out of the way until the second subpoena was served upon me.

Q. You never told any one that you had any personal feeling against Mr. Seasinghaus?—A. No, sir; I never did; I have known Mr. Seasinghaus as a personal friend of mine; he has always been, and, so far as I know, is yet.

Q. And you never complained of him to any one since these proceedings have been going on?—A. No, sir; I have not.

Q. Because Mr. Seasinghaus interested himself on behalf of the Republican who ran against you up there for the school board?—A. No, sir; I did not.

Q. Who is this man Charles Donohue?—A. He is an attorney at law; that is what they say; that is all I know about him.

Q. What is his politics?—A. I don't know his politics.

Q. He is an Irishman, is he not?—A. I don't know that he is an Irishman.

Q. Is it not a fact that he is a prominent Democratic politician there?

—A. He has taken no active part at the polls during the short time that he has been there; he has only been a year in that ward.

Q. What were these books sent to Mr. Donohue for?—A. I don't know. Mr. Donohue was one of the judges; they were delivered in the hands of some one of the judges; that is the usual way of delivering these poll books and ballot-boxes; that is only my supposition; I think that is the usual way.

Q. And when you went over there to precinct 165 you found that the Republican committeeman there had voluntarily given the judges of election the use of a poll book which he had in his possession there?—A. That is what I learned.

Q. And you are under the impression that it was an old, last year's book?—A. No, sir; I did not so state; I said I was not certain whether it was one of last year's books or one of this year's. I say that the Republican central committeemen each had a poll book of the revised registration.

Q. They were using a cigar-box there for a ballot-box?—A. Yes, sir; I saw that myself, and that is the way I came to look at the poll book.

Q. Do you know how many ballots had been deposited when you got there?—A. No, sir; I don't know.

Q. What time was it when you got there?—A. About eight o'clock.

Q. Do you know how long the polls had been opened when you got there?—A. Well, they had been opened something over an hour; soon after seven o'clock they were opened; that is what I learned.

Q. Who were the judges there?—A. Mr. Schwaner was one, Mr. Ed. Deiters, Mr. Christ. Kaltmeyer, and there is a wood and coal man there; I know his name, but I can't bring it to my tongue's end just at this instant; he was the other judge; I know him, but I can't think of his name; not Muckerman—he is on the west side of Thirteenth street, south of Salisbury.

Q. There were two Democrats and two Republicans?—A. Yes, sir; Kaltmeyer was a Democrat, Deiters was a Democrat, Mr. Schwaner and the other gentleman were Republicans.

Q. How many clerks did they have there?—A. Two.

Q. What were their politics, if you know?—A. I think they were both Republicans; I know one of them was.

Q. Was there any United States marshal there?—A. Yes, sir.

Q. And a supervisor?—A. Yes, sir.

Q. Did they have a registrar there?—A. Yes, sir.

Q. All the officers were there?—A. Yes, sir.

54 Q. You are under the impression, are you not, that there gross frauds perpetrated there?—A. I didn't say anything of kind.

Q. You believe it?—A. I don't believe it; I didn't say I believe they were honest men.

Q. What in the world is the object, then, of your coming or stand and making such a terrible hullabaloo about matters in that tract, where you believe they were all honest men, and where no frauds were perpetrated?—A. I say I don't know that there were any frauds perpetrated there.

Q. You believe there were?—A. No, sir; I didn't say I did; I know of no frauds as far as I have any knowledge; I have known these men personally.

Q. But certainly two of them were Democrats?—A. Yes, sir.

Q. How many votes had been polled before you got there that morning?—A. That I couldn't tell you; there must have been several though, because it was in the morning about the time that person came to work.

Q. You place the Republican majority at that poll at 135?—A. I think it would be somewhere in that neighborhood. I can't tell you exactly.

Q. And you are about as accurate in that statement as you are in the balance of your testimony?—A. No, sir.

Q. You think you are inaccurate?—A. You asked me the question and I only gave it to you as far as my memory served me; I am not posted exactly in those figures; I don't carry these things in my head.

Q. Was the Republican majority one-half of 135 there?—A. I think it was. My impression is that it went over one hundred; I think that 135 is as near as my recollection serves me.

Q. You must have misunderstood my question; I asked you if, as a matter of fact, it was one-half of 135?—A. Well, it is more than half of 135; it was more than that, I am sure.

Q. That is what you suppose?—A. I stated it was in the neighborhood of 135. That is as near as I can come to it from present recollection.

Q. Do you know how many votes were polled there at that precinct?—A. No; the registered vote is about 360 in that precinct.

Q. What proportion of them were polled?—A. Well, I suppose two-thirds, anyhow; the registered vote in precinct 165 was

55 Q. You say this Little Sisters of the Poor is a private sectarian institution?—A. Yes, sir.

Q. How is it supported?—A. It is supported by old persons; the board is paid by a great many of them; they pay their own way is paid by their children; I know some instances where the board has been paid for years by folks outside; old Mr. Farmer, for instance, used to be a man of some means; he was right across the street here, where he used to have a store—restaurant and saloon—during the great flourish of this theater here; he is a man well able to pay his own way; he is living there still; he married his second wife and she is separated from him, and he is living there.

Q. That is the only way it is supported?—A. It is supported by contributions from different persons.

Q. By the public?—A. I suppose different persons give to the support of it out of their private pockets.

- Q. And public pockets ?—A. By private donations.
- Q. The public has nothing to do with it ?—A. No, sir.
- Q. Nothing whatsoever ?—A. No, sir; it has nothing to do with it.
- Q. That you know ?—A. Yes, sir; I know that neither the city of Saint Louis nor the State of Missouri supports them.
- Q. How do you know that ?
- WITNESS. How do I know that ?
- COUNSEL. Yes.
- A. Because I know that the laws of Missouri read that no public moneys can be raised for any sectarian or private purpose; we know that we have our State poor-houses, and our State asylums for the blind, and insane, and we know that such people don't come to this place.
- Q. That is the way you know it ?—A. Yes, sir.
- Q. How many of those Chronicle tickets were voted in precinct 165 ?
- A. I don't know anything about that.
- Q. How many in precinct 167 ?—A. I don't know.
- Q. How many of these Independent Hancock tickets were polled in either of these precincts ?—A. I don't know how many were polled.
- Q. Do you know whether there was one polled ?—A. I don't know that.
- Q. Do you know whether there was a single Chronicle ticket polled ?
- A. I don't know that.
- Q. Whose name was on those Chronicle tickets for Congress ?
- A. Mr. Gustavus Sessinghaus.
- Q. Mr. Frost's name was not on any of them ?—A. Not on the Chronicle ticket.
- Q. You are sure about that ?—A. Not that I saw.
- Q. How many did you see ?—A. I saw them at each one of the polls.
- Q. How many ?—A. Well, I was at eight precincts, and I suppose I was at all of these places over four thousand ballots.
- Q. At each precinct ?—A. No, sir; in the whole ward. They were quite numerous piled on the tables.
- Q. They were destroyed in some instances, in some places, were they not ?—A. They were removed by the marshal.
- Q. In each of those precincts ?—A. Yes, sir.
- Q. Every one of them early in the morning ?—A. No, sir; I think it so very early; it was along towards noon when some of them were on the table; they were removed at different times during the day.
- Q. They were taken off so nobody could vote them, even if they had wanted to ?—A. They were removed inside of the room where the judges were; the marshal told them to take them out of way, or the judges told him so.
- Q. You testified here that those tickets would deceive an honest Democratic voter; how ?—A. Because there were Democratic names on the ticket; it was mixed up with Democrats; Democrats and Republicans; the same as a scratched ticket.
- Q. Did it purport to be a partisan ticket ?—A. No, it was made up of different parties.
- Q. What was the heading of the ticket ?—A. Selected Chronicle ticket.
- Q. Do you think that because of that heading—selected Chronicle ticket—that a Democrat who read it would infer that it was a straight Democratic ticket, and vote it as such, and be consequently deceived ?
- A. I would answer that question in a different way; I say that any man merely glancing at the head, seeing so many names on it that he

knew, would naturally suppose it was the ticket he wanted to vote; it would mislead in that way.

Q. If he deliberately went to work after he had read the names and had torn off the head, then it might have deceived him?—A. He would be deceived by the names; yes, sir.

Q. The heading was in very prominent type, was it not?—A. Not very prominent; not as prominent as the Republican or Democratic tickets were?—A. Have you got one there in your pocket?—A. Yes, sir. (Producing same and handing to counsel.)

57 Q. I wish to know if you did not testify that the heading on the selected Chronicle ticket was not as large as the type on the regular Republican ticket?—A. You asked me if it was as large, as I understood you, as the Democratic ticket; I say it is not as large as the Democratic ticket's type; the Republican ticket is about the same.

Q. Isn't it in fact larger than the Republican ticket?—A. It is not so striking.

Q. It is not so striking?—A. No, sir; it is in skeleton letters.

Q. Now, I wish you would tell me how that would be liable to deceive a Democratic voter?—A. Because it would be liable to deceive one by the Democratic names that are on it; it is mixed up with the names of Republicans. The names might be noticed of some Democrats, and thereupon suppose that it was a full Democratic ticket; and the man might attempt to vote it, not knowing the difference.

Q. Then it would be liable to deceive a Republican voter?—A. Certainly, just as liable as a Democrat; I say it was liable to deceive in a general way both Democrats and Republicans.

Q. Now, I want to ask you at what time in the day you got back to polling precinct 165 after you left there in the morning at half past seven o'clock?—A. I didn't say that I left there at half past seven o'clock.

Q. What time did you leave there?—A. I said I was at 165 about eight o'clock; that is the place they didn't have the poll books and the ballot-boxes; when I saw that I left there and went down to the city hall, and returned again soon after nine o'clock as near as I can recollect; we had to wait for Mr. Walsh to come in.

Q. How far is it from there to the city hall where you went?—A. The city hall is just two miles and a half from Market street to Salisbury street; I had a fast horse and could drive down in a hurry.

Q. After you came back to 165 you staid there, you say, until about a quarter before ten o'clock; then what time did you get back to these polls again?—A. I was there about noon; about twelve o'clock, I think; I was there twice in the forenoon; and then in the afternoon I just drove down there.

Q. What time did you get back to the polling place 167?—A. It was after dinner.

Q. How long were you there that time?—A. Well, I staid there two or three hours; a couple of hours anyhow.

Q. From about noon until two o'clock?—A. It was later than that; it was after three o'clock, I didn't get back there until after two.

58 Q. What time then was it that you came back to that precinct that day?

WITNESS. Which precinct?

COUNSEL. 167.

A. I went there about five o'clock and remained there until the ballots were counted.

Q. What time did the polls close?—A. About seven o'clock; it was

after sundown; about that time, I think. The usual time of closing the polls.

Q. And you went in and helped to count the ballots?—A. No, sir; I was in there as a spectator; I was allowed by consent, as a Democrat, in there; my friend, Mr. Nichols, was in there likewise during all that time; I was in there by his request—Mr. Nichols' request.

Q. Mr. Nichols perpetrated a great many wrongs and frauds there that day?—A. I don't believe he perpetrated any fraud or wrong by requesting my presence in there.

Q. In what way did he do his wrongs and frauds?—A. I didn't say that he did any wrong or perpetrated any fraud.

Q. Did he?—A. I don't know that he did; I don't think that he did.

Q. Do you think it was a fair, square vote there that day or not?—A. Well, I might think, but I don't know; and I don't know that there was not a fair, square vote there that day.

Q. And you don't know whether Mr. Nichols did any wrong or not, do you?—A. I never said that he did any wrong there at all.

Q. Do you know why it is that you have been called on this stand to give this extraordinary testimony concerning Mr. Nichols?—A. I don't know anything about it at all. I have given no testimony to injure Mr. Nichols that I know of; if I have, I have had to tell the truth; in fact, I have guarded against injuring Mr. Nichols in everything, or by saying anything.

Q. You voted for Mr. Frost, the contestee in this case?—A. Yes, sir; I voted for him.

Q. You feel some interest in this matter?—A. I don't feel any interest in it at all, any further than the success of the party, and that is all. Personally I would rather have voted for Gus. Sessinghaus; I would much rather you would get through with me and let me get back to my work.

Signature waived.

I, Frank Kraft, notary public within and for the city and county of St. Louis, and State of Missouri, do certify that, in pursuance of the foregoing and annexed notices to take depositions, came before me at the office of Donovan and Conroy, rooms 11 and 12 (and room adjoining), northwest corner of Third and Pine streets, in the city of Saint Louis, and State of Missouri, John M. Gilkeson, Eugene C. Slevin, Chalmers D. Blossom, Charles A. Miltenberger, Leverett Bell, Thomas K. Skinker, James M. Franciscus, E. F. W. Meier, A. M. Price, Thomas W. Hornsby, Michael Cleary, Edgar A. Richardson, Michael Walsh, Adam Meyer, Andrew Burke, Henry S. Parker, Charles Geissler, Michael Joseph Sullivan, Daniel Coddington, F. W. Springmeyer, Percy Blewitt McLaren, Bernard Kramer, Charles Belcher, William Wagner, Louis Schmidt, John O'Fallon Clark, M. W. Lewis, John McKenney, Michael Joseph Behan, John Curran, Stephen Curtin, A. V. Wagner, Richard M. Dobbins, John Francis Coyne, Henry Gruenewald, Edward Ward, Henry Miller, Marcus Julian, Michael C. Irish, Henry B. Rebesberger, Morris Docen, David Goss, Samuel T. Halley, Henry Gibbons, Eli Slay, August Uthe, L. W. Mitchell, John Masterson, James Murray, Joseph Franz, August Lauman, Edmund Shott, James E. Yeatman, John Meyer, G. M. Hays, Caspar Brinkman, Bernard Thomas Furay, Henry Switzer, William H. Elder, Dennis O'Leary, James Eagan, William J. Dickey, Frank R. Tate, E. C. Jones, Jesse Woods, William J. Auderson, George H. Kaup, James Roache, Richard

Walsh, Charles G. Gonter, Walter L. Graydon, Henry Kaiser, Thomas Grass, Andrew Reeves, John Collins, John E. Wilson, Charles Landers, J. H. R. Cundiff, A. W. Slayback, Thomas L. O'Sullivan, William Morrissey, Michael Moran, and Allen Sinclair, who were by me duly sworn to testify the truth, the whole truth, and nothing but the truth of their knowledge touching and concerning the said contest wherein Gustavus Sessinghaus is contestant and Graham Frost is contestee, pending in the House of Representatives of the Forty-seventh Congress of the United States; that they were severally examined and their examination reduced to writing, respectively, in my presence, on the day and between the hours and the place mentioned in said foregoing and annexed notices, to take depositions in this cause, and the said depositions are now herewith returned.

Witness my hand and official seal hereto affixed in the city of St. Louis, State of Missouri, this 14th day of April, A. D. 1881.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of St. Louis, Mo.

Term expires March 13., 1882.



TESTIMONY OF CONTESTANT IN REBUTTAL.



No. 52.

TESTIMONY OF CONTESTANT IN REBUTTAL.

First notice to take depositions in rebuttal.

Hon. R. GRAHAM FROST:

Take notice that depositions of Nicholas Berg, Richard Walsh, Chas. G. Gonter, Charles R. Wolf, J. S. Crocker, jr., M. D. Strait, Charles Arnold, Francis Krauss, Henry Gruenewald, Philip Lauf, Patrick Boyle, Wm. H. Bliss, Wm. Hager, Joseph Vance, Thomas Patterson, and other witnesses, all of the city of St. Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Friday, April 15th, 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

2 And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD,

Attorneys.

Service accepted. April 9th, 1881.

DONOVAN & CONROY.

Second notice to take depositions in rebuttal.

Hon. R. GRAHAM FROST:

Take notice that depositions of Frank Peine, Fred. Koch, James B. Davis, Howard McCullough, Peter Merkel, Chs. Evens, Henry Linnenheber, Mrs. Vogt, John Dieterich, Ernst Kuhlman, G. W. Monroe, J. Burs, Wm. Hood, Christ. Hanebrink, H. Twellman, Jacob Bottom, Jos. Amzer, Theo. Heuermann, David Curry, Casper Schwicke, Louis Oellner, Mrs. Mary Ahrens, James Jones, Josiah Wilson, Jacob Diesing, Chs. Edw. Pistor, Peter Klein, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Friday, April 15th, 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contest election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress from the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS
By LYNE S. METCALFE, JR.,
H. M. POLLARD,

Attorney.

Service accepted. April 11th, 1881.

DONOVAN & CONROY,
Attorneys.

5

Third notice to take depositions in rebuttal.

HON. R. GRAHAM FROST:

Take notice that depositions of Frank Peine, Jno. Roe, James S. O. S. Leo, Fred. F. Von Behren, Peter Phelps, Henry Reinhardt, J. Diesing, Joseph Britt, Nicolas Schoettler, Howard McCullough, Adolph Pfeifer, Conrad Zoest, Henry Linnenweber, Jacob Bottom, Adolph Webbing, Ernst Schlomann, Chas. W. Price, Geo. W. Danner, L. Wm. Koehr, J. W. Boyd, Joseph Amzer, Curtis Knappsteadt, J. Heumann, Michael Daly, Louis Zoellner, John Dieterich, G. B. Christ. Hanebrink, Chas. Hobbs, John Steffen, Louis Meyer, Theo. Heuerman, Peter Klein, Casper Schwiche, Peter Merkel, Geo. Monroe, Wm. Hood, Tobias Hollenreitz, Chas. Edward Pistor, Mic. Tebean, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe,

Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city Saturday, April 16th, 1881, between the hours of eight o'clock in forenoon and six o'clock in the afternoon of said day, and that taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contest election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress from the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS
By LYNE S. METCALFE, JR.,
H. M. POLLARD,

Attorney.

Service accepted.

DONOVAN & CONROY,
Attorneys.

ST. LOUIS, April 13, '81.

7

Fourth notice to take depositions in rebuttal.

HON. R. GRAHAM FROST:

Take notice that depositions of John Magee, J. B. Nichols, Edw.

Caldwell, H. W. Peck, John Rogers, Jerry Clark, Geo. Wicke, H. T. Barcus, Anthony Williams, Edward Wicke, Wm. E. Hardwig, Joseph Bailey, C. Sieckmann, D. G. Jones, Caspar Stolle, Ed. Wichmann, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of Saint Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Saturday, April 16, 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

8 And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD,

Attorneys.

Service accepted.

DONOVAN & CONROY.

APRIL 14, '81.

9 *Fifth notice to take depositions in rebuttal.*

Hon. R. GRAHAM FROST:

Take notice that depositions of Charles W. Sykes, John Ford, John Magee, Edward Caldwell, John Rogers, H. T. Barcus, Anthony Williams, Joseph Bailey, E. Sieckmann, Chas. G. Gonter, Thomas Paterson, Courad Zoest, J. B. Nichols, H. W. Peck, Jerry Clark, Edward Wichmann, D. G. Jones, Jno. Leonard, Jno. Kleman, Nicolas Berg, O. S. Lee, Frank Peine, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Monday, April 18, 1881, between the hours of eight o'clock in the forenoon and eleven o'clock in the evening of said day, and that the

10 taking of said depositions, if not completed on that day, will be continued from day to day at the same place and between the same hours until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD,

Attorneys.

Service accepted.

DONOVAN & CONROY, Att'ys.

APRIL 15, 1881.

11

Sixth notice to take depositions in rebuttal.

Hon. R. GRAHAM FROST:

Take notice that depositions of Bernard McSorley, J. F. Walto Caspar Stolle, Socrates Newman, John Herold, Justin McCarthy, Bernard Donelly, M. L. Bates, jr., D. P. Rowland, J. H. McCarthy, I. M. Page, Erastus Wells, Walter Scott, Thos. Gates, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Tuesday, April 19, 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day will be continued from day to day, at the same place and between the same hours, until completed.

12 And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD,

Attorneys

Service accepted April 16.

DONOVAN & CONROY,
Att'ys, R. Graham Frost

13

Seventh notice to take depositions in rebuttal.

Hon. R. GRAHAM FROST:

Take notice that depositions of J. C. Chapman, Martin Kellet James McDonough, Louis Bohle, Wm. H. Jones, H. C. Benning, Chas. McClellan, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis, and State of Missouri, before Frank Kraft, notary public within and for said city, on Wednesday, April 20, 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD,

Attorneys

Service accepted.

DONOVAN & CONROY,
Att'ys for R. Graham Frost

APRIL 18, '81.

15 *Eighth notice to take depositions in rebuttal.*

Hon. R. GRAHAM FROST:

Take notice that depositions of Michael Bree, Henry Stewart, P. A. Reed, John C. Bensieck, W. W. Judy, E. J. Rewell, Wm. F. Hethinger, Otto Niehaus, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, before Frank Kraft, notary public within and for said city, on Thursday, April 21st, 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and at the same hours, until completed.

And you are further notified that said depositions are to be
16 taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States, wherein I am contestant and you are contestee for the office of Representative in Congress for the third Congressional district of Missouri.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD,

Attorneys.

Service accepted.

DONOVAN & CONROY,
Att'ys for R. Graham Frost.

APRIL 19, '81.

17 *Ninth notice to take depositions in rebuttal.*

Hon. R. GRAHAM FROST:

Take notice that the depositions of Wm. Crosby, Louis Overhaul, Richard Brown, and other witnesses, all of the city of Saint Louis, in the State of Missouri, will be taken at the law-offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner 5th and Olive streets, in the city of St. Louis, before Frank Kraft, notary public within and for said city, on Friday, April 22nd, A. D. 1881, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day will be continued from day to day, at the same place and between the same hours until completed.

And you are further notified that said depositions are to be taken for the purposes of being used in evidence on the trial of the contested election cause now pending before the House of Representatives
18 of the Forty-seventh Congress of the United States for the office of Representative in Congress for the third Congressional district of Missouri, wherein you are contestee, and I am contestant.

GUSTAVUS SESSINGHAUS,
By LYNE S. METCALFE, JR.,
H. M. POLLARD,

Attorneys.

Hon. R. GRAHAM FROST :

Take notice that the depositions of Wm. J. Tucker, H. O'Neil, Hackman, and other witnesses, all of the city of St. Louis, in the State of Missouri, will be taken at the law offices of Lyne S. Metcalfe, Insurance Exchange building, southeast corner of 5th and Olive streets in the city of St. Louis, before Frank Kraft, notary public within and for said city, on 23d day of April, A. D. 1881, between the hour eight o'clock in the forenoon and six o'clock in the afternoon of said day, and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place and between the same hours, until completed.

And you are further notified that said depositions are to be taken for the purpose of being used in evidence on the trial of the contested election cause now pending before the House of Representatives of the Forty-seventh Congress of the United States for the office of Representative in Congress for the third Congressional district of Missouri, wherein you are contestee and I am contestant

GUSTAVUS SESSINGHAUS:

By LYNE S. METCALFE, JR.,

H. M. POLLARD,

Attorney

Service accepted.

DONOVAN & CONROY,

Att'ys for R. Graham Frost

APRIL 21, '81.

Depositions of witnesses produced, sworn, and examined at the office of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of Saint Louis, State of Missouri, before me, Frank Kraft, notary public in and for said city (and county of Saint Louis) and State, on the 15th, 16th, 18th, 19th, 20th, 21st, 22d, and 23d days of April, A. D. 1881, in a certain contest now pending in the House of Representatives of the Forty-seventh Congress of the United States concerning the election of Representative for the third Congressional district of Missouri, wherein Gustavus Sessinghaus is contestant and R. Graham Frost is contestee, on the part of the contestant, in rebuttal

1 L. S. Metcalfe, jr., and H. M. Pollard present for contestant, and Frank J. Donovan for contestee.

NICHOLAS BERG, produced, sworn, and examined on the part of contestant, in rebuttal, and deposeth and saith as follows:

By Mr. POLLARD:

Question. What is your full name, Mr. Berg?—Answer. Nicholas Berg.

2 Q. You are the registrar of the city of Saint Louis, are you not?—A. Yes, sir.

Q. And have in your keeping the ballot-boxes and the ballots that were used and taken at the last November election in this city?—A. Yes, sir.

Q. Including the third Congressional district?—A. Yes, sir.

Q. You were summoned to produce those ballot-boxes and ballots here—the ballots that you have in your possession which were cast in the third Congressional district?—A. Yes, sir.

Q. Have you produced them here to-day ?—A. No, sir.

3 Q. Why not ?—A. By advice of the the city counselor, Mr. Leverett Bell. He told me that I could produce the boxes, but that I must protest against anybody opening them and handling the ballots.

Q. Then you refuse to give us an inspection in this court before this notary of the ballots in these boxes ?—A. Yes, sir.

Cross-examination waived.

Signature waived.

4 M. D. STRAIT, recalled by counsel for contestant, in rebuttal :

By Mr. POLLARD :

Question. You have been sworn, have you not, Mr. Strait, in this case ?—Answer. Yes, sir.

Q. State, Mr. Strait, whether or not you have been employed in the last three or four weeks in making a canvass of some of the residences of individuals whose names and residences were given you on cards by Mr. Wieschahn ?

WITNESS. Within three or four weeks or so ?

COUNSEL. Yes, sir.

A. Yes, sir ; I have.

Q. Now, I want to ask you, Mr. Strait, how you made that canvass—whether you went in person, and in what manner you made it ?—A. Well, I went myself, in person, to the various numbers and inquired of various parties—those that I thought would be most liable to know who the parties were that I was looking for.

Q. Did you go to the numbers designated on your cards ?—A. I did.

Q. You have those new cards in your hand ?—A. I have some cards here.

Q. The names and numbers were on these cards when they were given to you ?—A. Yes, sir ; they were, as far as I saw.

6 Q. Now, what did you put on those cards ?—A. At the time that I asked these different parties for the information as designated there I just wrote it right down and made a memorandum of the information that I received at the time. I generally staid there while writing it down on the card.

Q. Now, when did you make this examination, Mr. Strait ?—A. I commenced last Saturday, and have worked from that time until day before yesterday.

Q. Did you, Mr. Strait, endeavor to find a man or inquire for a man named Peter Pheeps on the north side of Warren street, between 9th and 10th ?—A. I did.

7 Q. What did you find out about him ?—A. Well, I went to two or three different places around there, and I finally found a house there where the lady said that man Pheeps lived ; he is a colored man, Mr. Pheeps is ; and she said that man Pheeps was right upstairs ; she called him down, and I asked her if that was Mrs. Peter Pheeps, and she said it was, and I asked her how long she had lived there, she said they had lived there in that house for three years.

Q. Did that house have on a number ?—A. There was a number. It was on the north side of 9th and Warren, rather between 9th and 10th on Warren ; it had a number, it was 913.

8 Q. Was that the north side of Warren, between 9th and 10th ?
—A. I am quite sure it was, about the middle of the block ; there are some old houses there.

Q. Now, what did you ascertain, if anything, about William Conwell, at 3001 Broadway?—A. I called at 3001 Broadway, that is on the corner, it is a saloon; I believe there was no one there in the saloon that knew this party; I went in the rear and I found a party of the name of Samuel Gray, and he said that this man Conwell had boarded with him then at the time, and said that he was there last November 2d; he said there was no question about that; he said that he worked in that saw-mill up there on the corner of 2d and Buchanan; I think he said he had been boarding with him for some time.

Q. Well, now, did you find a man named Charles Fisher, at 300 Broadway?—A. I did.

Q. Did you learn how long he had been living there?—A. Charles Fisher came there on the morning of the 2d of November.

Q. On election day?—A. On election day.

Q. Did you learn where he had come from, this man Fisher?—A. He said that he came from right across the street there, diagonally across, 2911 Broadway; he said he came there in the morning and his wife, I think, it was, stood in the door with him, and made the same statement in regard to their coming there.

Q. Is 2911 in the same precinct with 3002 Broadway?—A. He said it was, but of my own personal knowledge I do not know whether it or not; I asked one or two other parties there if it was in the same precinct, and they said it was; I do not know exactly.

Q. What inquiry did you make concerning L. W. Locke, 27 North 9th?—A. I went there to that house and I saw a young man there; I think he was boarding there, by the name of W. McClellan, and he said that this man was a railroad man and was stationed at the present at Moberly; but was living here at that time.

Q. At what time?—A. On November 2; he went back to the house and asked the landlady and he came back and stated that she said was living there at that time.

Q. At what house?—A. At that same house, 2708 North 9th, that is a boarding-house.

Q. What, if anything, did you learn about Hermann Kurth, 2909 North 9th?—A. This man Hermann Kurth works in the glass house there; I went first to 2909, and the lady there said that he works in the glass house, three brothers of them; I went there and saw this man that was said to be Hermann Kurth, and he said that he had lived there at that time on November 2, and had lived there some time.

Q. After that?—A. Before November 2, and at that time, and at that time also; and moved away from there some time in December, he said.

Q. From what number?—A. From that number.

Q. What did you learn, if anything, about John Henmann, 2907 Broadway?—A. This 2907 Broadway is a store; a little grocery store. I saw a lady there, a Mrs. Knight, and she said that this man, Mr. Henmann, lived over her store there for about five years and lives there still at that place, right up over that store on Broadway.

Q. What did you learn, if anything, about E. Herrington, on Broadway, between Spring and Montgomery?—A. He lives there, room there in the rear, has lived there for several years; he works in Missouri Railroad yards there and still lives there; he said his wife was right. I called him out of bed and I saw him in person;

14 poked his head out of the window in the alley and spoke to me.

Q. What did you learn, if anything, concerning Joseph Ibach, 3129 Broadway?—A. Well, I called there at that number, it is a place where people change considerable, but I met a young man on the sidewalk there; he said he saw this man Ibach just pass there a moment or two before; he said he worked up there at the saw-mill on the corner of Second and Buchanan street; I went up there and met this man Ibach and he said he had a room there at that place and boarded with Mrs. Meyers.

Q. At what place?—A. At 3129 Broadway; he did not live there at that time, but he did on November 2, and after it also; he lived there some time with his children afterwards, he works in the saw-mill there; he is a teamster there; Second and Buchanan.

Q. What, if anything, did you learn of James H. Stark, 2805 North Ninth street?—A. I saw a Mrs. Carroll there, and she says that he had lived there on November 2, and that he had moved about six weeks ago.

Q. Did you learn whether he had lived there prior to November 2?

—A. Oh, yes; he had lived there some time before that.

Q. Moved about six weeks ago?—A. About six weeks ago, yes, sir; it was at this time that I was there.

16 Q. What did you learn, if anything, about William H. Loen, in the rear of 3035 Broadway?—A. That is William H. Loew.

Q. Did you find a man by the name of William H. Loew?—A. In the rear of this number here there now lives a Mrs. Newman that I saw there; she says that this man lived there in the rear of that number about Christmas, and that he had lived there for about four years.

Q. Up till last Christmas?—A. Yes, sir; he lived there up till last Christmas; she said he had lived there about Christmas and had lived there about four years.

Q. What, if anything, did you learn about Henry Wegener, at 2817 Broadway?—A. Well, Henry Wagner is the proper name; he lived here at that place, boarded at that house. I saw a Mrs. Coombs who had boarded there that same time; she said that he was there on November 2; he had lived there a short time before that; he went away from there and boarded at Eleventh and Spring, but says he lived there on the 2d of November; he works there in the glass-house on the corner of Ninth and Spring.

Q. Do I understand you right; did you say you saw him?—A. Yes, sir; I saw him in person.

Q. And got this information from him?—A. And got this information from him; I stopped there and asked some of the men that staid opposite there, and asked if there was such a man, and they said there was, and called him.

Q. What, if anything, did you learn in regard to Julius Neltz or Neltz, at 3232 Broadway?—A. Well, I saw a Mrs. George; she said that she was the landlady there, and said that this man was there on November 2, and had lived there, I think, since last June. She said just at present he was out in the country; he was a painter; he was out of town temporarily in the country; he would be back in a short time; he was there on November 2, and had boarded with her since last July; he came there in July.

19 Q. What, if anything, did you learn in regard to Valentine Sieber, 1810 Dock street?—A. A Mrs. Hohner, who is the landlady of that house, says that he left there about two months ago, but he was living there last November, and had for some time; he is a driver; he

went down somewhere in Frenchtown, so they said; the stables that he is driving for is in the vicinity of Chouteau avenue, between Main and Second streets.

Q. Frenchtown is a suburb and is a portion of this city?—A. Yes, sir, as I understand it.

Q. What did you learn about Anton Stein at 3134 Broadway?
20 —A. I saw Mrs. Stein there—a lady they said was Mrs. Stein; she says they moved there a short time before November the 2d, and they still lived there.

Q. Did she tell you when they moved there?—A. I do not remember if she did; I would not be positive, but she was positive that it was some time before November 2.

Q. What, if anything, did you learn about Tobias Hollenreitz at 3301 Broadway?—A. Well, I went there, and 3301 is a corner saloon; there I asked, I think, the bar-keeper; he did not know anything about this party; he said there was a boarding-house in the back, run by some-body.

Q. In the rear?—A. In the rear; that lady did not remember
21 anything about this party at all that I met in the rear; then saw a Mr. Kessler, and he says that he knows that this party was a boarding there at that time, on November 2; he says that he knows that, and knows that he registered and voted there, and that he had a right to vote there.

Q. What Kessler, Anthony K.?—A. I think his name is Anthony; he keeps a big tannery; I happened to get in there, looking for some other party.

Q. What, if anything, did you learn about Charles Evens at 3234 Broadway?—A. That is a colored family there; Mrs. Collins lives in the basement, and is quite an intelligent woman; she says that this man's name is Evens, Charles Evens, and says that he had lived here
22 on November 2, and had lived there for over a year; boarded there with a Mrs. Jackson, his sister-in-law, or some other relative, and he left there about two or three months ago, but she was positive that he had lived there on election day and some time afterwards; she says he now lives somewhere on Bremen avenue, near Broadway; says that he is a one-armed man.

Q. What, if anything, did you learn of William Hood, 3918 Broadway?—A. Well, I had quite a wild-goose chase with that party; there was a Mrs. Loudon, I think, in the rear of number 3923 Broadway, and she says that she had kept that house at 3918 Broadway, and says that
23 this man, Billy Hood or William Hood—Billy they used to call him—she says that he roomed there, and was there on November the 2d at 3918 Broadway, and had been there nearly one year; she said he works in the glass-house now.

Q. What did you learn, if anything, about G. W. Monroe at 4036 Broadway?—A. Well, I went there to 4036; that is a kind of a grocery and saloon, with the entrance into a little shoe establishment; I saw the proprietor; I think his name is—I can't just think of his name; I know he is the man; he said this man Monroe didn't live there, and seemed to be very short about giving me any information about him; I asked him if he knew where he works, and he said that
24 he works right across the way; he is a saddle-tree maker; I went over there, and he works at 4035, at the saddle-tree factory; I went over and saw Mr. Monroe myself; he said that he had lived across the way at 4036; roomed there; boarded there in fact; the old gentleman said that he sometimes took his meals there still, but didn't

know when he left there; he boarded there on November 2, and had for a long time before and up to about two months ago; he got a little property on Talcott street, but in that house he has been living and has been up there since that time; in fact he said he had voted there four years, I think; possibly he didn't vote at the city election; he said he had voted at the Presidential election four years ago.

25 Q. What did you learn, if anything, about George B. Randall, at 4019 Broadway?—A. 4019 Broadway, the lower part is vacant; I went to the back portion; I saw a lady there, and she said Mr. Randall lived right upstairs there; I went upstairs and knocked and nobody came to the door; then I heard a little child running, and looked up I saw a little girl at the window; then I went to the grocery and spoke with a party named Burgess, and he said that Randall had lived there about two years to his knowledge George B. Randall, and he lives up over this store.

Q. And still lives there?—A. And still lives there.

Q. What did you learn, if anything, about John Dieterich, at 3715 Broadway?—A. Well, at the time I saw Mr. George Dieterich there, he said that John Dieterich was his son; he also said that he had a brother John, on Gratiot street somewhere, in the southern portion of the city, but said that he, at that time, and his son were living there with him, and had always lived with him right there; that is, George Dieterich has lived in that block for the last fifteen years, except he moved into the present number about three years ago; he lived there at 3707 for the last 15 years with the exception of these three years; he said that John is his son; he said that he has lived with him and has been living in that identical house for three years; this was George Dieterich speaking; he keeps a shoe store there.

27 Q. What, if anything, did you learn concerning Charles Hobbs, 4036 Broadway. Did you not, as a matter of fact, find him residing at 4034?—A. There is a Charles Hobbs, this is Hobbs, though, isn't it?

Q. That is exactly what I ask you?—A. That is spelled here Hebbs; he is living there; I saw his little girl at 4034—he lives upstairs and she says that they have lived there for about six months; he was not at home at that time, neither was Mrs. Hobbs; the little girl said what I have mentioned to you. I inquired all over around there, walked around previous to coming there, from Fred Filges's, 4023, that is across the way. I went over there and I saw Mr. Filges and his wife there and a young lady, middle aged, and they said that this Mr. Hobbs used to rent from them, but that he had moved about six months ago, up where he now lives.

Q. Then those places, 4034 and 4036, are in the same block, are they not?—A. Yes, sir; they are in the same block.

Q. And are both in the same voting precinct?—A. That must certainly be, they are next door, just from one door to the other.

Q. What, if anything, did you learn of Michael Tebeau, at 4016 Broadway?—A. Well, this Mr. Tebeau, he seemed to be well known; or at least I asked two or three parties that said he lived right across the way there somewhere; I went up to 4016 Broadway, went in the rear and saw a lady there; asked her if a man named Tebeau lived there, and she said he lived right back there, and as she said that she pointed to a little girl, about sixteen year girl, and says, there is his sister-in law; I asked this little girl; and she said he lived upstairs; I walked up and saw a lady there, said to be Mrs. Tebeau, and she said they moved there on the 28th of October last, he was

working, or was until recently, at the rolling mills; they live rear of 4016 Broadway.

Q. What, if anything, did you learn about Robert Nooney, Raubach avenue, between Saint Louis avenue and Hebert street?

30 —A. That is quite a latitude to work in, but I went to the rear house there on the corner of Hebert and this street, Raubach avenue. I thought I would commence there and go on. So I asked the woman if she knew any party by the name of Nooney. She said she did, and told me right up there at a certain house (catering). I went there, and a young lady came to the door, and I asked if this man Nooney lived there. I asked if there was any John Nooney there. She said no, but there was a Robert Nooney. She said he had lived there for some time before, and was there on November the 2d. I think she said he was a brother of hers.

31 Q. Now, what I want to learn from you is whether you are able to find Ferdinand or Fred. F. Von Gehren, 1612 Saint Louis avenue?—A. Well, this 1612 Saint Louis avenue—the number of the house is 1610, but it is properly 1612—I went there and inquired; a boy came to the door; I asked him if that fellow was there, but he couldn't give me any information about it; he says that he lives somewhere over on Sixteenth street; that is West Sixteenth. I think; I went over there, and I found there in the rear of 1614 Montgomery street—that is Montgomery street instead of Sixteenth, and I found this lady there, Mrs. Louise Von Behren. She is the mother of this Fred. Von Behren. She says that he was living at 1624 Saint Louis avenue on November 2, but now is living there in the rear of 1614 Montgomery. She is an old resident there.

Q. Did you learn when he moved from 1612?—A. It was a long time ago; I think a couple of months, if I remember right.

Q. What, if anything, did you learn concerning John J. Schmitz, 1624 Montgomery, between East Sixteenth and West Sixteenth?—A. There is a number 1624 Montgomery, but the numbers are all mixed up—up there on that street. It commences on one block and then goes off in this direction (indicating). There is a number 1624

33 Montgomery there. I went and inquired there of that woman, and she knew nothing about this party at all. She sent me to the next three or four doors above that house; said to be 1624. I went there and saw a lady and her son, and she said that there is no party ever lived there, but she said there was a Smith that lived in the alley on Montgomery street, between West Sixteenth and Sixteenth; that is what she says. I went there and found this John J. Schmitz. She says that she has lived in that one house over fifteen years, and now lives there.

Q. And her husband too?—A. And her husband to.

34 Q. Is that on Montgomery, in the alley in the rear of Montgomery, between East Sixteenth and West Sixteenth?—A. Yes, 1624 Montgomery street. The house runs back to the rear there, but it is really 1624 Montgomery street.

35 Q. What, if anything, did you learn concerning Ernst Scholmann, 1936 Benton?—A. I called at 1936 Benton and I saw Mena Scholmann; she says that they have lived there for eight years.

Q. She purported to be the wife of Ernst Schlomann?—A. She said I believe he was her husband.

Q. What, if anything, did you learn of James Sales, on Hebert street between Twenty-first and Twenty-second streets?—A. Oh, this is a colored man; this man James Sales; he lived on Hebert street

en Twenty-first and Twenty-second, so several parties told me and there; he was a colored man and he lived there; he lived in somebody's house there, anyway. Mrs. Sales lives in the rear of 2615 Magnolia street, that is right near Stanton's pork house, it is this side of it; this Mr. Sales is a colored man; I a Mrs. Emily Thompson, a very intelligent colored lady, she is a school teacher; I think I have been at that house before; she says this Mr. Sales died on the 25th of December, but he did live on Hebert street, between Twenty-first and Twenty-second; they moved some time ago, Mrs. Sales did, to where she now lives; she lives in the house of that number.

. What, if anything, did you learn concerning Tim Hein, at 2111 Saint Louis avenue?—A. I went to that number there and I went upstairs; I saw there a Mrs. Margaret Corgan; she said that Tim Hyde says that he has lived there in that house for some years; that he left there and is rooming down below with his sister-in-law; that he and the whole family left there about three weeks; this Hyde was a single man boarding with his sister there; they left about three weeks ago and went down on the Iron Mountain, she told me; then I went over to the railroad office—to the car stables, and I said that Tim Hyde had used to live there, was a horse cleaner in the stables, and that he had gone down to Crystal City.

. What, if anything, did you learn of John Stein, junior, Twenty-first street and Bremen avenue?—A. Twenty-first and Bremen avenue, that is John Stein, jr.; I saw Mrs. Stein, they live upstairs two doors from the corner of Twenty-first and Bremen avenue; the streets are not made through there; to be properly located, it would be Twenty-first and Bremen avenue; she says they have lived there since the first of July, 1880, and that his father lives on the corner in the vicinity of Twentieth and Bremen.

. She said that John Stein, jr., has lived there?—A. She said that her husband, John Stein, jr., and that he lives there in that house, and is living there since July first—two doors from the corner.

Q. What did you learn, if anything, about William Koehr, on Glasgow avenue and Natural Bridge road?—A. Well, Glasgow avenue is really not laid out there, Mr. Meyer's store is right at the corner; I went in there and I saw a young man by the name of William Koehr; he lived in this place and he says that he has lived there at the grocery for over two years, he and his brother William Koehr; William Koehr told me this, Mr. William Koehr is his brother; he has got another brother by the name of John, or something.

. What did you learn about Robert Heintz, Grand avenue and Natural Bridge road?—A. Well, this Robert Heintz is his name, this is a tinker, he had lived and worked with Mr. Peter Kolbenschlager, he is a tinner there, I have known him for years, it's right in my old tramping ground there, I pass by every morning; he says that this man Heintz used to work and board with him—Robert Heintz did; this Kolbenschlager lives there in the first house on Natural Bridge road—first house from Grand avenue; he says that Robert Heintz went to Omaha about two weeks ago, but he had been living and boarding with him and working for him up to two weeks ago, for some time already; he says his name is Robert Heintz.

. What, if anything, did you learn about John Joskel, between Natural bridge road and Lee avenue?—A. Well, I had a pretty hard time to find out anything about this party; it's Joskel, the way it is written; I, of course, am well acquainted in all that

neighborhood right through, but I never heard of anybody by the name of Toskel there, nor did anybody else; there is a man by the name of Joekel, John, he lives on the east side of Grand avenue, between Natural Bridge road and Lee avenue; there is a lot that come down on to Grand, a vacant lot there between Retter's store and some other little stores, but this man's house is really in the rear of that lot on Grand avenue between Natural Bridge road and Lee avenue—the man John Joskel, I had to work for about two hours to find
42 man by the name of Toskel there, but there is no question about this man being Joskel.

Q. What is your business, Mr. Strait?—A. Just at present I am not engaged in any particular business; I have been at several kinds of business, some time in the express business here in Saint Louis. The principal part of my time I have spent in teaching school; for four years I was manufacturing myself a patented article for goods, but just at present I am not engaged in anything.

Q. How long have you been living in Saint Louis?—A. I think I came here in 1872 or '73; '72 I think it was, the last time I was here; the first time in 1866 and '67 in the express business; then was
43 absent for two years; then came back in 1872.

Q. What is your age, Mr. Strait?—A. 33 years; I believe I was born in 1848.

Q. State whether you have a pretty extensive acquaintance in the city?—A. Well, I know a great many people here, of course; it may be called extensive; I suppose a great many people know Strait.

44 Cross-examination by counsel for the contestee, Mr. DOXOVAS:

Q. Mr. Strait, you had considerable difficulty in finding these men, did you not?—A. Well, yes; some of them I did; I had to spend considerable time and a good deal of work in finding some of them, there is no question about that. Some of them had changed and moved to different places, but I made it a point to find everybody that I went to look for as far as I could.

Q. Now, a man by the name of Joseph Joskell was registered according to the testimony of the officer here and you could find no such man. I think you found a man that was probably the same party, but the name was Joekel?—A. No, it is not Joskell. There was no Jo-
45-50 seph Joskell, but there was a John Joekel that registered from Grand avenue between Natural Bridge road and Lee avenue.

Q. Did you find any one of that name there?—A. I had the name written on my card as John Toskel.

Q. Why should the name be written on your card as John Toskel when the name as testified to by both Mr. Gonter and Mr. Walsh, and as it appears on the registration sheet is John Joskell? Did you find either Toskel or Joskell?—A. No, sir.

Q. You didn't find either of them?—A. I didn't find any man by the name of Joskell or Toskell; but I did find a Joekel or at least his daughter; I saw the young lady there and she said her father's
51 name was John Joekel at that number.

Q. Well, I suppose that is one of those typographical errors with which this record is full?—A. Well, I should judge there was some error about the spelling or something about it in some way.

Q. When you were investigating names for the contestant and giving your testimony in-chief it is probable that the names were misspelled on the cards that were given to you and it was for that reason that you were not able to find many of the parties?—A. Well, I do

know whether they were misspelled or not, because I don't know what the original names should be.

Q. But when you went out to seek a man you went out to seek him according to the name that you received. That is what you stated when you gave your testimony before in-chief.—A. When I went out those names, I supposed were all representing the name of some certain individual and I went out to find that individual that was named on the card. If I found an individual, as in this case of Joekel here, if the name didn't exactly correspond with his name I took it to be that there was some mistake, either in the writing or in the printing in the registration book.

Q. You don't know whether that mistake was made by the parties that furnished you your cards or by the copyist at the recorder of voters' office, or by the parties who furnished you with the names?

—A. I don't know anything about it of my own personal knowledge, but I will state this, I think there are many of those names—I don't know whether this is special registration or not—I know that is the case that these special registrations, as a rule, were very difficult to make out; it was extremely difficult to make out exactly what the names were because there are a great many of those who specially registered on election day, and as I said before it is a difficult thing to tell what their names or their pronunciation were, and it is quite likely that a mistake might occur in being written, in the first place by the registrar, but my object has been to find the man himself.

Q. How do you know that these mistakes occurred in the spelling of names by special registrars or by the general registrar, for that matter?—A. I think they are liable to occur. I know, from my own personal experience, that it is very difficult to get them exactly correct. I have not examined the special registration sheets, but I know that the names as spelled are very different sometimes from what the names of the individuals really are, and the same way as to streets.

Q. You don't believe a man ought to be denied the privilege of voting because his name is misspelled on the paper?—A. No, sir; I do not. I think every man that is entitled to vote should be received.

Q. No matter whether his name is spelled right or not?—A. Of course a man should try and have it as nearly right as can be. I think the object is to allow the man to vote.

Q. Whether his name is spelled right or not?—A. Why certainly.

Q. Now, take the instance of this man Joekell; his name is registered on the sheet as John Joskel; the name as given by the contestant is Toskel; now, is not that a mistake of somebody's, that Mr. Joekell's name should be spelled as Toskel or Joskel; do you not so regard it?—A. That is evidently a mistake of somebody's.

Q. Do you think that that man ought to be denied the privilege of voting because somebody has erred in the spelling of his name?

—A. I don't believe that a man should be deprived of his vote on that score.

Q. Well, then, you agree with me perfectly there. I don't believe that a man ought to be denied his vote because of the misspelling of his name or transposition of the number of his house. Now, Mr. Strait, you inquired for a man by the name of James Sales, on Hebert street, between Twenty-first and Twenty-second, did you not?—A. I did inquire for that party; yes, sir.

Q. And what did you find?—A. I found that this family of Sales did live there until quite recently, but they since moved over on Magnolia

street, in the rear of that number there: it is just this side of St pork house. I didn't see Mr. Sales.

57 Q. When did they move?—A. If I remember right, t me they moved about two months ago.

Q. Well, now, did they live on Hebert, between Twentieth and ty-first, or on Hebert, between Twenty-first and Twenty-second I think it was between Twentieth and Twenty-first, if I remembe

Q. Now, do you know whether or not any man by the name of Sales was ever registered in the city of Saint Louis?—A. Not own personal knowledge, I do not.

Q. Is there any man by the name of James Saler living there bert street, either between Twentieth and Twenty-first or b Twenty-first and Twenty-second?—A. Not that I know of.

Q. Or anybody around there by a similar name?—A. I didn' of anybody.

58 Q. Well, now, that is another of those typographical The man registering, as proved by Mr. Gonter and by Mr. was James Saler, on the south side of Hebert, between Twen and Twenty-second; did you seek for that gentleman?—A. I lo the card, and the name there was James Saler, but they didn' anybody of the name of Saler, but they did know of this Sales; went on to trace him out; I went on up Hebert street, throug mud-holes, and inquired of several parties, and finally I found a a woman, living down in the hollow there. She said that hei was Mrs. Sloan. She told me where she lived; she told me Mrs. Sales lived; that it was over on Magnolia street.

59 on over there, and saw this Mrs. Thompson that I spoke fore—a colored lady—and she told me that Mrs. Sales w at home to-day, but that they did live there in the rear; that Sales, had died on the 25th of December. I think I said that bel

Q. Well, if James Sales's name appears anywhere on the regis sheets or books of the city of Saint Louis, do you think that Sales ought to be entitled to vote?—A. Well, that is merely m ion, I suppose; I think James Sales is entitled to vote, for I thi when he went to the window there, there was a general rusl hurry, and that in writing his name, it was a very easy ma

60 make a mistake, or in setting up the type they might ha an r instead of an s very easily. I think that James Sal entitled to his vote, of course.

Q. So, you think that if James Sales went to the registering and gave his name, and it was written or ultimately printed Sal you think that if he was the man, and he should be entitled t no matter how his name appeared on the registration sheets?

(Mr. Pollard, counsel for the contestant, objects to the questi cause the opinion of this witness cannot be received in evidence.

A. Well, if James Sales goes and offers to vote, and his name istered, it is the duty of the judges to exercise their discretion v they should receive that vote or not.

61 By Mr. DONOVAN:

Q. And where it is spelled on the lists as Saler, how t A. Saler and Sales are different parties, of course.

Q. The name that was registered is James Saler. Is M entitled or not entitled to cast his vote, if it does appear on th tration sheets?—A. It seems to me that is a matter left to the tion of the judges of election.

Q. You think that typographical and clerical errors under the law should be ignored?—A. I think those are the instructions of the law, I am not mistaken.

Q. So, you didn't find James Saler, but did find James Sales, and that he is the same man?—A. I found parties who said they know James Sales, who, as they stated was dead. I presume there is no question that it is the party referred to in the books.

Q. Now, what name were you given on your card to seek for; was it Hain or Haim, or Hyde?—A. The card that I had read Tim. Hein or Haien.

Q. Did you find any such man as Tim. Haim?—A. I did not.

Q. You found whom?—A. I found, or learned that Tim. Hyde who had lived at that number.

Q. Do you suppose that when the name appears Tim. Heim that this was the same man, whose name was intended to be written there?—A.

I don't know, and for that reason I don't suppose.

Q. Is that another case of spelling the name wrong on the record, in your judgment?—A. It may have been; I don't know.

Q. Well, if there is no man of the name of Tim. Heinn at that precinct, but there is a Tim. Hyde the probability is that it is the same man, is it not?—A. I should presume so.

Q. Now, when you went to seek for Tobias Hallenweitz, 3301 Broadway, did you inquire for Tobias Halpuartarz, or for Tolcaz Halpuartarz?—A. I did not.

Q. Do you believe Tobias Hollenreitz to be the same man who registered in the name of Tobias Halpuartarz, or Tolcaz Halpuartarz from the same number?—A. Well, I don't know that such a party did register as you refer to there. The names are not similar, it seems to me.

Q. Mr. Strait, Mr. Pollard, Mr. Weisshahn, Mr. Metcalfe, Mr. Walsh, Mr. Guter, and myself, all wrestled with that name when it was before us, but it was hieroglyphic, and the best that could be made out of it, was for Tolcaz Halpuartarz, or Tobias Halpuartarz; do you suppose Tobias Hollenreitz is the same man whose name appears on the record in these hieroglyphics as registering from 3301 Broadway?—A. Well, that is merely a matter of opinion again, that you want I suppose.

Q. You have been up there and inquired, and I want to know if there is any such man of either of these names that I have given you, or that is in any way similar to them living there other than Tobias Hollenreitz?—A. The only information that I could get concerning this party at all was from Mr. Kessler, and he said this man Tobias Hollenreitz was the party who had lived there, and, if there were those hieroglyphics as you term them, that is on the special registration sheet, I have no doubt but that is the party representing that name.

Q. If the clerk or the registrar in wrestling with the name of Mr. Tobias Hollenreitz got it either Tolcaz Halpuartarz, or Tobias Halpuartarz, you would not believe that Tobias Hollenreitz for that reason should be deprived of his vote, do you, or do you not?—A. Well, as I said in the first place, every man who is entitled to vote, and offers to vote, should be allowed to vote, and his vote should be counted.

Q. That is my opinion. Those typographical errors are liable to occur, and I think the provision of the law was made to cover that round.

Q. Did you inquire for Charles Evens, or for Charles Everns, or for Charles Evarts?—A. I inquired for Charles Evarts.

Q. What did you find—

WITNESS. (Continuing previous answer) or any name similar to this woman that I saw there said that Charles Evans had lived there.

Q. Then you didn't find Evers or Everts?—A. She said that name was Charles Evans.

Q. And you believe him to be the man that you were sent to look for?—A. He may have been.

Q. Did you find Charles Hebbes or Charles Hobbs?
67 A. I found Charles Hobbs, at least, I learned of him.

Q. Did you find William Hood or William Wood?—A. I found name was Hood.

Q. Did you find Valentine Sieber or Valentine Lieber? That is likely to be a mistake in the formation of the L and the S. They are frequently mistaken for one another?—A. On my card was written Valentine Sieber.

Q. Did you look for Jules Neltz or Jultes Nelty?—A. The name was written on the card as Jules Neltz, and that is the party I looked for.

Q. Did you find him?—A. I found a lady, who said this party had lived over her since last July. She was the landlady of the place there.

Q. Did you inquire for Mr. Neltz or Mr. Nelty, the man who
68 lived there?—A. This lady said the name was Neltz. I asked her distinctly if it was Neltz, because I had a difficulty with any other similar name.

Q. Did you see the gentleman himself?—A. I did not.

Q. How did she pronounce or spell his name?—A. I asked her if it was Neltz. I spelled it for her. Neltz, she said it was.

Q. Was she an intelligent woman; could she read and write?—A. I don't know whether she could or not, but she seemed to be intelligent.

Q. Did you give his first name?—A. I did.

Q. What name did you give?—A. Jules Neltz.

69 Q. Are you sure, now, that she told you that Jules Nelty lived there?—A. I am sure that she said Jules Neltz; she did not say Jules Nelty lived there.

Q. Did you mention Nelty while you were there?—A. I don't know that I did.

Q. Well, I would like you to think, now, and see whether you did mention the name of Nelty.—A. I know I didn't.

Q. What did she tell you about him?—A. She said that he had lived with her since last July; said that he was a painter.

Q. Up to what time did he live there?—A. Until within a short time ago—that is, I infer so from what she said. That was his home; now he was out in the country, painting, somewhere.

70 Q. Whereabout in the country had he gone?—A. She did not say.

Q. He boarded off and on with her?—A. She didn't say that. She said he had lived there since last July.

Q. And was not in the city now?—A. She said he was out in the country temporarily, painting, and would be back again soon.

Q. At 2209 Broadway, did you inquire for John Heerman?—A. I inquired for John Heumann.

Q. Did you inquire for John Henneman?—A. I did not.

Q. How is that name spelled on your card?—A. Heumann.

Q. Well, if the man registered as Heumann, would you not suppose that John Hennemann was the party intended?—A. There comes
71 opinion again. I don't know whether my opinion is worth a

thing or not. I would like to ask the notary whether I am compelled to give my opinion in regard to that or not.

Q. Mr. Strait, inasmuch as you gave your opinion very liberally at the outset of my examination as to the possibility of the mistakes in the spelling of names, the manner in which these mistakes could occur, why I would presume you would have no objection to giving us an intelligent opinion now.

(Mr. Pollard, counsel for the contestant, objects to the question, because the opinion of the witness can be of no earthly service to the counsel for the contestee, or to ourselves.)

A. I don't know that the name was spelled Heuerman, but was told that this man Heumann is the man referred to. Mrs.

Knight was apparently an ordinarily intelligent woman, and I spelled the name of the man to her, and she said that he lived there over her store.

By Mr. DONOVAN:

Q. How did you find that William H. Loew of 3035 spelled his name?

—A. That was Loew, I believe.

Q. You will agree with me that he ought not to be deprived of his vote because that "w" was left out of his name?—A. Well, that is the same thing again; I believe that every man should vote who is entitled to it.

Q. And the omission of the "w" in writing his name on the registration sheets ought not to disfranchise him?—A. Why, these errors are provided for by the law which governs these things.

Q. And that is that they should be ignored?—A. That is my understanding of it; if they are satisfied that they are errors.

Q. How did Mr. Wegener of 2817 Broadway, spell his name?—A. I asked him if it was spelled Wagener, and he said it was Wagener.

Q. He resided at 2817 Broadway?—A. He did reside there.

Q. Now, if a man of the name of Henry Wegener specially registered on election day at precinct 75, from 2817 Broadway and his registering number was 377, do you now believe him to be the same man as Henry Wagener?—A. I believe that is the party.

Q. And you think that this misspelling in his name ought not to deprive him of his vote?—A. Certainly not.

Q. Did you find at 4016 Broadway, Michael Teabeau or Michael Teabeau?—A. The party there said it was Teabeau.

Q. Well, if he was registered on election day as Michael Teabeau, do you regard this to be the same party?—A. It may have been.

Q. And registering from the same place 4016 Broadway?—A. It may have been.

Q. Was there any man by the name of Teabeau living there?—A. Not that I know of.

Q. It was Teabeau?—A. Teabeau is what they told me.

Q. Although his name appears on the registration sheets, according to the testimony of Mr. Walsh and Mr. Gonter as Teabeau, do you not regard it as the same party?—A. It may have been the same party.

Q. Well, you couldn't find any Teabeau there anywhere, could you?—A. Well, really I didn't ask for any Teabeau.

Q. What sort of a house is that?—A. I think it was a brick house in the rear of that number.

Q. And you saw a little girl there?—A. A girl about 15 or 16.

Q. And you also saw his wife?—A. She said she was Mrs. Teabeau.

Q. And he moved into that place on the 28th of October last, two or three days before the election ?—A. That is what Mrs. Teabeau said.

Q. So the last letter of his name is "u" instead of an "n" ?—A. That is what they said.

76 Q. Do you not believe that in the examination-in-chief in speaking of parties residing at certain places that you also made mistakes regarding the spelling of the names, and for that reason reported that you could not find parties, because their names were not spelled on your cards in the same way as the parties would spell them themselves ?—A. No, sir; I don't think I made any mistakes about it.

Q. You always sought for the man ?—A. That is what I was after, sir.

Q. And if you could find him anywhere in that vicinity, you always reported it.—A. That is what I endeavored to do.

77 Q. You reported when you found him, if he was known in the neighborhood ?—A. That is what I tried to do, sir.

Q. Now, do you know Alexander Finney, the prominent insurance agent of this city ? That is the name that I will take out from the entire list, whose office is immediately opposite this, across the street, on Fifth street ?—A. I don't know the gentleman.

Q. You reported that his house was a vacant lot, 1221 Glasgow avenue ?—A. If I reported 1221 Glasgow avenue as a vacant lot, you may bet your bottom dollar on it, it was a vacant lot.

Q. Now, don't you know that Alexander Finney lives at 1221 Glasgow avenue in the house of Judge Thayer, one of the judges of our
78 Saint Louis circuit court ?—A. I don't know any such thing.

Q. Do you not know that the house is situated on the corner of Glasgow avenue and Dayton street on the southeast corner ?—A. I don't remember the house there now.

Q. Now, it is either 1121 or 1221 and everybody in that neighborhood knows the gentleman; why could you not find him, if, as you stated, you always sought the man so diligently ?—A. Well, I said and I say now, that I used every endeavor to find the parties.

Q. When you started out in rebuttal you managed to go all around the neighborhood and where you didn't find the man one place or another you sought for him and endeavored to find him; now why
79 did you not find Alexander Finney, the prominent insurance agent of this city, who lives at 1221 or 1121 Glasgow avenue, since he is well known throughout that entire circuit of country and is a prominent insurance agent in this city and lives in the house of Judge Thayer that is called the old Curran mansion ?

(Mr. Pollard, counsel for the contestant objects to the question, because it is a recross-examination of this witness on the testimony which he gave more than a month ago in this case, on which testimony he was fully cross-examined at the time. I don't think the gentleman should now thus early commence to recross-examine this witness on that testimony.)

Mr. Donovan, counsel for the contestee, states he never asked
80 the witness a word in regard to Mr. Finney in cross-examination on the testimony-in-chief; and that he is only cross-examining him on his statement that no matter how a man spelled his name or what his number was he always sought the man. That where any doubt seemed to exist in the spelling, or in the number of the house, or the name of the street, he always sought the man; this was his testimony given in chief on this stand.)

WITNESS. Is that 1221 Glasgow avenue ?

Mr. DONOVAN. Yes, or 1121 Glasgow avenue.

Q. I want to look that up for my own information.

A. When you started out in rebuttal you managed to go all around the neighborhood and where you didn't find the man one place or another you sought for him and endeavored to find him. Now, why did you not find Alexander Finney, the prominent insurance agent of this city, who lives at 1221 or 1121 Glasgow avenue, since he is well known throughout that entire circuit of country, and is a prominent insurance agent in this city and lives in the house of Judge Curran that is called the old Curran mansion?—A. Well, I don't know whether at present—must I answer that question?—I don't know whether Alexander Finney lived in that neighborhood or not. He is a stranger to me. He may be a prominent man, but there were several parties living there—perhaps a dozen parties living within a reasonable distance—and they didn't know Mr. Alexander Finney; and I will venture to say—if 1221 was the number that was given me on that card—I will venture to say that if this Finney lived at that number I would so have reported, but he certainly was not at that number.

Q. But you say that you always sought the man; why did you not find him?—A. I always sought the men in connection with the names that I had. I endeavored to find the parties representing those names.

Q. But if you sought Alexander Finney, why did you not inquire for him at some house in that neighborhood?—A. Well, if I remember right the whole block there—there is no house on that block—1221 Glasgow avenue—if that is a proper question.

COUNSEL. Oh, my dear sir, there is a house in that block, and there is a church on that block.

WITNESS. That is the Presbyterian church there, isn't it?

Q. It is right on that block then?—A. Yes, sir.

Q. Why did you not inquire for the man since you have insisted in your testimony in-chief, that you always inquire for the man?

Mr. POLLARD, counsel for the contestant, objects to the question simply for this reason: Mr. Finney registered from 1221 and voted from that number, and as far as we know, and we have the right to presume registered from the number where he lived. We simply sent this message to ascertain whether that gentleman lived at that house and we then go further and say that we have laid the foundation and attempted, and we think did prove that in this regard—that we sent him there for that purpose and for no other. We did not let him to inquire where Mr. Finney lived, but whether he lived in that house from which he registered and from which he voted. We simply wanted information of the fact that he did not live there when registered from that house.)

Mr. DONOVAN. Inasmuch as this witness states that there is no house there at all, and inasmuch as the counsel for the contestant knows Alexander Finney as well as I do, and he has sought to create the impression in this record, as he did in five hundred other instances, that there was no such man as Alexander Finney known in that neighborhood, or in that precinct, and that he was a fraudulent voter if he voted at all, it is for those reasons that I am now inquiring into this single name as a sample of the work that was done to end.

Mr. POLLARD. Never, until the counsel for the contestant raised this question, did I know or hear of such a man as Alexander Finney;

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and since then I have heard that there is a man by that name; and, though he has been associated in business here for some length of time; that he has, until within two or three months, resided in the country, outside of the city limits, and has but very recently moved within the city limits.

86 Mr. DONOVAN. If Mr. Pollard is to start out in this rebuttal testimony with speeches of this character that are utterly unfounded in fact, I fear that the greater part of it will be taken up by discussion, instead of testimony.

Mr. POLLARD. You are the one who is carrying on a discussion. I am simply refuting the charge that you made that I was personally and well acquainted with Alexander Finney.

Mr. DONOVAN. I can state that there is no word of truth in the statement that Mr. Finney has just come in, within two or three months, from the country. Judge Thayer can be brought on the stand here, who will testify as to his tenant.

87 Q. If you in every instance sought the man, why did you not inquire for Mr. Alexander Finney from somebody, or did you inquire?—A. I presume that I did.

Q. Did you inquire from Captain West, the captain of the gun-club, who lives right across the street from him?—A. I don't think I did.

Q. Did you inquire of Leverett Bell, the city counselor, who is about 75 feet down the street from him?—A. Why, there is no such house there—the number which I had given to me on the card.

Q. Did you inquire from Edward B. Curtis, the cashier of the Valley National Bank of the State of Missouri, and who lives immediately across the street from him?—A. I don't know Mr. Curtis.

Q. Did you inquire from James M. Douglas, the agent of Jackson's "Best" tobacco, who lives there, immediately across the street from him?—A. I don't know the gentleman at all.

Q. Did you inquire from the honorable Samuel T. Glover, who lives just about 200 feet from him, who is the first lawyer of the State of Missouri?—A. I did not; not to my knowledge.

Q. Did you inquire from his neighbor, Lawyer Holmes, a first-class Republican, who lives there in his immediate vicinity?—A. I did not.

Q. Did you inquire from John A. Schultz, a prominent citizen, who lives right next door to Mr. Burns's house?—A. Not that I know of.

Q. Did you inquire of the Rev. Mr. Marshall, the pastor of the church nearly opposite?—A. I don't remember that I did.

Q. Did you inquire of anybody, if you sought for the man?—A. I presume I did, sir; I endeavored to make every effort to find these parties at these numbers, and in the immediate vicinity.

Q. Why did you not find him then?—A. There is a variation of block there, according to your own statement.

Q. Why did you not find this gentleman if you invariably sought the man?—A. I did, sir, in connection with the number and location. I don't know why I didn't find this man.

Q. But you invariably sought the man when you came to give the rebuttal testimony. Is that not the testimony that you gave, that

90 you endeavored to seek the man, and were not content with simply inquiring at the number on your card, or the misspelling of a letter or two. Was not this your testimony when you testified in chief on this stand some time ago?—A. I must say this; I used every honorable effort, both two months ago, before the last time that I was examined and this week, to find these parties.

Q. I am not talking about these parties, but I am asking whether

Q. I did not testify in-chief here some months ago to the state of facts which I have just put to you; did you not do this; you and this body of men that were assisting you in that work?—A. I don't know anything about what anybody else did; I have done my own work well.

Q. If you were up in that neighborhood, did you see a very large lead-colored house with a green door and the panel lined with gold, situated on the southwest corner of Dayton and Glasgow?—A. I presume I did.

Q. Did you see right next to that house and running up to the alley a large side yard?—A. I presume I did. I have seen every house there.

Q. All inclosed within Mr. Finney's fence?—A. I presume I saw the location that you speak of; I don't remember now.

Q. Now, is it this side yard that you wanted to denominate a vacant lot; was it, or was it not?—A. If I remember the location right this side of 1221 is the property opposite that Presbyterian church, and that is a vacant lot. The whole block there, if I remember right, is vacant.

Q. Don't you remember that Captain West lives there?—A. I don't know, sir.

Q. When you sought for the man, why didn't you ask Captain West's household, who is just across the street, for himself or some member of his household; any one of them; anybody could have given you the information, if you sought the man?—A. Well, it is a fact that I did try to find the parties as designated, or somewhere in that immediate vicinity. It may be possible that I asked for this party there, but couldn't find out anything about him. I presume I did not find him. I never heard of Alexander Finney before in my life to my knowledge.

Q. There are a great many prominent men in this city that you never heard of?—A. I presume that is the case, and the same for every man in this room.

Q. Well, in that case, if you sought the man the probability is that you failed to find him?—A. I presume I did not find him.

Signature waived.

C. R. WOLFF recalled in rebuttal by the contestant's counsel.

By Mr. POLLARD:

Q. Have you been engaged in the past week or ten days in making a canvass of the residences of certain individuals of the third Congressional district?—A. Yes, sir.

Q. When did you make this canvass?—A. I have been working at it some weeks past.

Q. When did you commence?—A. I commenced in the winter some time, I forget the exact date now when it was.

Q. When did you commence making this canvass of these names that were testified to by the different witnesses as to their residing at the places where they registered from?—A. About fifteen days ago.

Q. Mr. Wolff, what, if anything, did you find out concerning the residence of Mr. James B. Davis at 2002 North Tenth street?—A. He has lived there for over a year, sir.

Q. And still lives there?—A. And still lives there, sir.

Q. What did you learn about the residence of Peter Merkel at 916 Madison?—A. Mrs. Merkel says they moved there on the 26th of September last, and are still living there at the present time.

Q. That is the wife of Peter?—A. That is the wife of Peter Merl yes, sir.

Q. What, if anything, did you learn about the residence of W. Remanne, 822 Madison street?—A. He left last Christmas.

96 Q. Did he live there prior to that time?—A. Up to that time.

Q. For how long prior to that time?—A. He has lived there for a long time; she didn't know exactly how long before Christmas had left there, but he left the last Christmas.

Q. What, if anything, did you learn concerning John Dorey, 2 North Tenth street?—A. There is a John Dorey and family living there and have been living there for two years and live there yet.

Q. Do you know whether 2023 North Tenth street is in the same precinct—voting-precinct—as 2223 North Tenth street?—A. I think it yes, sir.

Q. Will you please tell me whether both of those numbers
97 2023 North Tenth street and 2223 North Tenth street are included within the territory which is bounded on the east Broadway, on the south by Chambers street to Tenth street, thence Webster street, thence to Eleventh street; on the west by Eleventh street, and on the north by Monroe street?—A. They are both in the same precinct.

Q. Both of those places are within those boundaries?—A. Both those places are within those boundaries.

Q. What, if anything, did you learn about the residence of Samuel Ales, 921 Warren street?—A. He has lived here for over a year and does yet; I learned that from Mr. Ales himself.

Q. You saw him individually?—A. Yes, sir.

98 Q. Will you please tell me whether 921 Warren street is in the same voting precinct as 927 Warren street?—A. Yes, sir.

Q. Is also 922 Warren street in the same precinct?—A. Yes, sir.

Q. What, if anything, did you learn about the residence of G. Snyder, 2513 North Twelfth street?—A. Mrs. G. W. Snyder says they have lived here for six years and do yet.

Q. Mr. Wolff, what, if anything, did you learn about the residence John W. Boyd, 2418 North Thirteenth street?—A. Mr. J. W. Boyd says he has lived there since last August and lives here yet.

Q. He told you that himself?—A. He told me that himself; yes, sir.

99 Q. What, if anything, did you learn about Dave Curry, 1115 Saint Louis avenue?—A. He has lived there since last September, up to two months ago, and is now stopping on the corner of Broadway and Saint Louis avenue.

Q. Who did you learn that from?—A. I learned that from Mr. Curry.

Q. David's wife?—A. Yes, sir; certainly; David Curry's wife.

Q. What, if anything, did you learn about Ben. W. Key, 1201 Wright street?—A. Ben. W. Key left the middle of November last, and is gone to Georgia.

Q. State whether or not he formerly resided there?—A. He did.

Q. When did you say he left there?—A. About the middle of November.

Q. And is gone to Georgia?—A. Yes, sir.

100 Q. What, if anything, did you learn about the residence of Curtis Knappstead?—A. He has lived here a year and does yet.

Q. Who did you learn that from?—A. From his sister.

Q. At 1111 North Thirteenth street; is that his residence?—A. Yes, sir.

Q. What, if anything, did you learn about Louis Meyer at 1119 North Thirteenth street?—A. Mrs. Meyer, his stepmother, says they lived at 1119 North Thirteenth street, but now live at 1107 North Fourteenth for the last four months.

Q. They left 1119 North Thirteenth street four (4) months ago?—A. Yes, sir; and moved to 1017 North Fourteenth.

Q. That was subsequent to the last November election?—A. Yes, sir.

Q. What, if anything, did you learn, Mr. Wolff, concerning 101 Louis Ahe, 1005 North Fifteenth?—A. Mrs. Ahe says she has lived here since last June and does yet.

Q. What, if anything, did you learn about John Steffen at 1006 North Seventeenth street?—A. He lives here and has for the last six (6) months.

Q. Did you learn whether he lived there on the day of election?—A. Yes, sir; he lived there on the day of election.

Q. At that number?—A. Yes, sir.

Q. What, if anything, did you learn about Louis Zoellner at 1123 North Sixteenth street?—A. Next September it will be two years that he has lived there. He lives there yet.

Q. Who did you learn that from?—A. From Mrs. Zoellner.

102 Q. What, if anything, Mr. Wolff, did you learn about Howard McCullough at 1020 East Sixteenth street?—A. Mrs. McCullough says that they have lived there since last September some time, and do yet.

Q. What, if anything, Mr. Wolff, did you find out concerning the residence of Theodore Heuermann at 1022 East Sixteenth street?—A. Mr. Henry Heuermann says Theodore has lived here six (6) years and does so now.

Q. Where did you find this Mr. Henry Heuermann?—A. At 1022 East Sixteenth street.

Q. What, if anything, did you learn about the residence of Peter Davis, 1117 North Sixteenth street?—A. Peter Davis says he has been living here for the past thirteen years and does so yet.

103 Q. You saw him personally yourself?—A. Yes, sir.

Q. What, if anything, did you learn about the residence of A. G. Hain at 1603 Cass avenue?—A. August Kellermann, number 1601, and Louis Klingelhoef, at 1603 Cass avenue, both say that A. G. Hain lived there on the 2d of November.

Q. But Mr. Hain you did not see?—A. No, sir; I did not see him; he has moved.

Q. What, if anything, did you learn of the residence of Charles Edward Pistor, 1515 Cass avenue?—A. Charles Edward Pistor has lived here for eighteen months, and does yet.

Q. Who did you learn that from?—A. From Mr. Pistor himself.

Q. What, if anything, did you learn, Mr. Wolff, concerning 104 the residence of James Jones, 1113 Cass avenue?—A. Moved in the alley on Eleventh street, between Wash and Franklin avenue, two months ago, but lived at 1113 Cass avenue on November 2.

Q. What, if anything, did you learn about the residence of William Quernheim, 1515 North Sixteenth?—A. Has not lived here for two years. Lives southwest corner of Fifteenth and Mullauphy streets.

Q. How far are these two places apart?—A. One hundred or two hundred yards.

Q. Are they in the same voting precinct?—A. Yes, sir.

Q. What, if anything, Mr. Wolff, did you ascertain in regard to the

residence of Henry Rube, 1606 North Seventeenth street?—A.
105 Mrs. Rube says that they lived here for eighteen months, and do yet.

Q. What did you learn about the residence of Peter Klein, 1626 North Fourteenth?—A. Peter Klein has lived here for two years and more and does so yet.

Q. From whom do you learn that?—A. From Mrs. Klein.

Q. What, if anything, Mr. Wolff, did you learn concerning the residence of Augustus Rohlfing, 1426 Monroe street?—A. Mrs. Rohlfing, his mother, says he has lived here for nineteen years, and does yet.

Q. Where did you learn that?—A. From Mrs. Rohlfing.

Q. At that place?—A. In the rear of 1426 Monroe street.

Q. What, if anything, Mr. Wolff, did you learn about the
106 residence of H. Twellman, at 1627 Sullivan avenue?—A. Has lived here for fourteen years; so says Mrs. Twellman, and does yet.

Q. Mr. Wolff, what, if anything, did you learn concerning the residence of Philip Lemarx, 1817 North Market?—A. Philip Lemarx lives at 1817 North Market street, and has for three years, and does yet.

Q. That is next door to 1819 North Market?—A. Yes, sir.

Q. And in the same voting precinct?—A. Yes, sir.

Q. What, if anything did you learn about the residence of Josiah Wilson, on the south side of North Market, between West Twentieth and Jefferson avenue?—A. Nathaniel Wilson, brother of Josiah
107 Wilson, says he moved from there on the 17th of last March. Has lived here for two years.

Q. Prior to that time?—A. Prior to that time; yes, sir; certainly.

Q. What did you learn about the residence of Caspar Schwicke, Hebert street, between 20th and 21st?—A. He has lived there for the past year.

Q. From whom did you learn that fact?—A. I learned that from his wife.

Q. What, if anything, did you learn concerning Charles Tuergeus, on the south side of Dodier street, between West Twenty-first and Twenty-second?—A. Mrs. Mary Ahrens says that Mr. Juergeus left her house the middle of November last; did live there on the 2d of November.

Q. How long had he been living there?—A. Off and on for some time.

108 Q. Did you find the name to be Durgeus or Juergeus?—A. Juergeus.

Q. What, if anything, did you learn about the residence of Jacob Diesing, on the south side of Dodier, between Twenty-first and Twenty-second?—A. Mr. Jacob Diesing was living there upon the 12th of this month (April) and lived there on November 2.

Q. What did you learn about George W. Danner on the south side of Hebert, between Twenty-first and Twenty-second streets?—A. Mrs. Keefholer says that Mr. George W. Danner has lived here for a year, but left last January.

Q. Where did you find Mrs. Keefholer?—A. On Hebert, between Twenty-first and Twenty-second.

Q. What did you learn about Joseph Britt, 1907 University?
109 —A. Joseph Britt has lived here for two years, and does yet.

Q. Who did you learn that from?—A. From Mrs. Britt.

Q. What, if anything, did you learn about the residence of Joseph

zer, 3204 North Seventeenth?—A. Joseph Amzer says he has lived there for four years, and does yet.

. You saw him personally?—A. Yes, sir; I saw him myself.

. What, if anything, did you learn about the residence of Christ. Lebrinck, on Mallinckrodt street, between Fourteenth and Fifteenth?—A. Lives here and has since last October.

. Who did you learn that from?—A. From Mrs. Carton. She lives there.

. What, if anything, did you learn about the residence of Justus Pfeiffer, 3509 North Eighteenth street?—A. Mrs. Pfeiffer says that they have lived there since the first of November, and do yet.

. Did you ask her whether or not they moved there prior to the trial?—A. Yes, sir.

. What did she say?—A. I asked her how long she had lived there, she said she had moved there the first day of November.

. What, if anything, did you learn about the residence of Adolph Jobing on the northwest corner of Eighteenth and Davis streets?—They have been living here for fifteen months, and do yet; so says Wibbing.

. What did you learn about the residence of August Zemke, 1800 Bremen avenue?—A. Ernst Kuhlman, 1800 Bremen avenue, says August Zemke moved from there the middle of November.

Q. And was living there up to that time?—A. Yes, sir; was living there up to that time.

. What, if anything, did you learn about the residence of Christ. Lens, 3808 North Eighteenth?—A. Moved December last to Frenchman, but has lived here for two years.

. Who did you learn that from?—A. From Mrs. Osterhaupt.

. Living at that place?—A. Yes, sir; living there at that place.

. What did you learn, if anything, about the residence of Henry Lineweber, 4025 Cass avenue?—A. Miss Minnie Linenweber says they lived here for four (4) years, and do yet. That is his daughter.

Q. What, if anything, did you learn concerning the residence of G. Burns, Eighteenth, between Garibaldi and Bremen avenue?—Miss Burns says they moved from Eighteenth street to the corner of Eighteenth and Garibaldi streets one month ago.

. Where did they live before that time?—A. Eighteenth, between Garibaldi and Bremen avenue.

. What did you learn, if anything, about the residence of Jacob Bottom, 3716 North Eleventh street?—A. Jacob Bottom has lived with

Bray, 3716 North Eleventh street, since last October.

. Whom did you learn that from?—A. From Mrs. Bray.

. Mr. Wolff, during the testimony on the part of the contestee several men swore on the stand that they were able to find various individuals at places where we had been unable to find them there before. I am asking you whether or not you made a canvass within the last forty days of a certain portion of this city concerning the residence or whereabouts of certain individuals whose names, and addresses attached thereto, were handed to you by Mr. Wiesebeck.—A. Yes, sir.

. When did you make that canvass?—A. In the last forty days.

. Now, in making this canvass, I will ask you what degree of diligence you used.—A. Well, I would look at my cards and see what the name was and the place of residence; then I would go to that num-

ber of the house and try and see if that party lived there
114 get all the information that I could in regard to this party

Q. At how many places did you make inquiry for this more than one?—A. Yes, sir.

Q. How many?—A. If I found them to be living there at such a number I wouldn't make any further inquiry for them, but I couldn't find them I would make "several" inquiries.

Q. Did you make inquiries for Francis Costello, who registers Twenty-second and Biddle?—A. James Costello lives here; Mrs. Costello so told me; she told me that Francis Costello doesn't.

Q. Did you learn anything further about him—further than that?—A. I couldn't find out where he did live.

Q. Or anything further about him?—A. No, sir.

115 Q. What other inquiry did you make at that house, made any?—A. At the grocery store.

Q. Did you inquire at 2118 Biddle and also 2124 Biddle for a James Smith, or for two men named James Smith; and if so, what did you ascertain?—A. I found only one James Smith lived there in this neighborhood, and he lives at 2122½ Biddle.

Q. Now, what further inquiry did you make?—A. I went to and couldn't find him there.

Q. And who did you find?—A. I found nobody there—not the name of James Smith.

Q. Did you find anybody who knew anything about him?—A. I didn't know anybody by the name of James Smith.

116 Q. Did you make any further inquiry than at these two that you have spoken of?—A. I also went to 2124 Biddle. I went and sought that James Smith who lives at 2122½ Biddle, and says he didn't know a James Smith at 2124 Biddle street.

Q. What, if anything, did you learn about Michael Kenny, 22 Division street?—A. I went to 2212 Division street, and I saw Mrs. and she told me Mr. Kenny had moved to Butchertown last September and I learned that that house, 2212 Division street, had been vacant for one year up to the last of the month.

Q. What, if anything, did you learn of Stephen Howard, of 21 Division street; how many Howards did you find living there?—A. I found only one, Stephen Howard.

117 Q. Did they know of any other?—A. No, sir.

Q. What did you learn, if anything, in regard to James Moran O'Fallon?—A. I found him, but learned that Mr. Moran came to with Mrs. Scott, at 1521 O'Fallon street, one week before the election is there still. I did not find him at 1609 O'Fallon.

Q. What did you find out, if anything, of Patrick Boyle, of North Eighteenth street?—A. I found that Mr. Boyle has been there for five years, and has not gone to the polls or voted in the past years.

Q. From whom did you learn that?—A. From Mr. Boyle himself.

Q. Could you find any other Patrick Boyle; was there any other?—A. None that I could find or hear of.

Q. What did you learn about P. Ryan, 2520 Cass avenue?—A. Mrs. Kelly, who lives there, says he moved last September.

Q. What, if anything, did you learn about Michael Pendergas Mullanphy?—A. I couldn't find him at 1710 Mullanphy, but Michael Mullanphy, 1701 Mullanphy, told me that he did not live there for seven (7) months.

Q. What did you find out about John Byrne, 1526 North Sixth

—A. Mrs. Francis Farrell says he has not lived there for six months. I found that out at 1526 North Sixteenth.

Q. In that very house?—A. Yes, sir; in that very house.

Q. What did you learn about William P. Eads, 1527 North Seventeenth street?—A. Miss Katie Baumgarten says he did not live there on election day. She lives at 1527 North Seventeenth street.

Q. What, if anything, did you learn about Patrick Quirk, 3505 Broadway?—A. James Slack at 822 Buchanan street says he never lived at 3505 Broadway.

Q. How far are these two places apart, 822 Buchanan and 3505 Broadway?—A. About two blocks, I guess, or a block and a half.

Q. Was Mr. James Slack acquainted there at 3505?—A. He was acquainted there; yes, sir; that is where I met him at 3505.

Q. And he told you that he never lived there?—A. Yes, sir; that he never lived there.

120 Q. Did you learn where he did live there or anything about him?—A. Yes, sir; I heard that he was living up at the Brighton House, I think they call it.

Q. Where is that?—A. On Broadway, this side of Salisbury, Mallinckrodt, I think; some such street as that.

Q. 822 Buchanan is between Broadway and Ninth?—A. Yes, sir; between Broadway and Ninth.

Q. Now what, if anything, did you learn about John J. Moran, 4115 North Second?—A. Mrs. Stutte says he has not lived here since last August.

Q. Where did you find her?—A. At 4115 North Second.

Q. In that house?—A. Yes, sir.

Q. What did you learn of A. G. Bromley, 2520 Broadway?—

121 A. Miss Quernheim, about 18 years old, says he moved from there about six months ago to 507 South Fifth street.

Q. That is not in that same Congressional district, is it?—A. No, sir.

Q. What, if anything, did you learn of Tim. Mooney, 1912 Benton?—

A. Mrs. Delaney, who has lived here five years, says Tim. Mooney or any one by the name of Mooney never lived at 1912 Benton.

Q. What did you learn about John McCarthy in the rear of 1330 North Seventh street?—A. Hermann Frevert says that this party never lived here. John Post says the same. McCarthy lives on Second, between Howard and Mullanphy, with Pete Welsh.

Q. Is Second street, between Howard and Mullanphy, in the same precinct with 1330 North Seventh street? They are twelve or 122 fifteen blocks apart, are they not, the two places?—A. Yes, sir; I guess they are.

Q. Where did you find these people, Frevert and Post?—A. I found them at 1330 North Seventh.

Q. At that place?—A. Yes, sir.

Q. What did you learn concerning W. H. Bartley, 1402 North Seventh street?—A. Bartley told me himself that he moved there only one month ago from Kerry Potch, and did not vote on election day.

Q. What did you learn about William McNeff, 1412 North Seventh?—A. Mrs. Luke Lamb, 1412 North Seventh street, says he moved last fair week, which was in October last.

Q. What did you learn about James McNeff at that same 123 number?—A. The same thing, sir.

Q. Mrs. Luke Lamb, where did she live?—A. At that number, 1412 North Seventh.

Q. What did you learn about Michael Tarlotting, 2801 Dickson and East Twenty-eighth?—A. There is no such number as 2801 Dickson street or Clay avenue. Does not live in the vicinity.

Q. Did you find any one who knew anything whatever about him?—A. No, sir.

Q. What did you learn concerning Ed. Nugent, 2504 Dickson street?—A. No such number. That's a vacant lot, Twenty-fifth street and Dickson.

Q. Where the number 2504 Dickson street should be that is a vacant lot, is it?—A. Yes, sir.

124 Q. Well, did you make any inquiry for Nugent?—A. Yes, sir.

Q. What did you ascertain?—A. I found him lower down the street.

Q. How far away?—A. About three blocks further on.

Q. That is in a different voting precinct, is it?—A. Yes, sir.

(Mr. Donovan, counsel for contestee, objects to the counsel of the contestant putting into this witness's mouth "that is a different voting precinct," and let him say "yes." Ask him if he knows the lines of the voting precinct.)

By Mr. POLLARD:

Q. You looked and found Mr. Nugent living east or west of Twenty-fourth street, which was it?—A. Living east of Twenty-fourth street.

125 Q. Then tell me whether or not he was within the precinct number 131, where he registered and voted, and which is bounded on the east by Twenty-fourth street, on the south by O'Fallon, west by Jefferson avenue, and on the north by Cass avenue?—A. I don't understand that question.

(Question read by the notary.)

A. Yes, sir; he was within that precinct.

Q. Think about it a moment. The precinct is bounded on the east by Twenty-fourth street—

WITNESS. (Interrupting.) He was east of Twenty-fourth. Then he couldn't have been in that precinct.

Q. What, if anything, did you learn about Pat. Leeky at 1120 North Eighteenth street?—A. Mrs. Timothy Leeky says they have lived there, at 1414, for eighteen or twenty years, and do yet.

Q. At 1414?—A. Yes, sir.

126 Q. Who gave you that information?—A. Mrs. Leeky herself; Mrs. Timothy Leeky.

At this point a recess was taken until this afternoon at half past 2 o'clock; at which time all parties in interest being duly assembled, and announcing themselves ready to proceed, the examination of Mr. Wolf was resumed, as follows:

127 Mr. WOLFF's examination resumed.

By Mr. POLLARD:

Question. State, Mr. Wolff, whether or not you made inquiry to ascertain if Mr. H. Schormann resided at 1526 Biddle street?—A. Mrs. Schormann says they have lived here for four years, and do so yet. I found Mrs. Schormann herself.

Q. What, if anything, did you learn about Thomas Y. Hayhurst at

8 North Seventeenth street?—A. Mrs. Hayhurst says they have lived here since last August, and do so yet. I found Mrs. Hayhurst at house.

Q. State what you learned about the residence of Peter Fleher, 1520 North Fifteenth street.—A. Mrs. Fleher says they have lived there for eighteen months, and do yet.

Q. Where did she tell you that?—A. At 1520 North Fifteenth street.

Q. What, if anything, did you learn about H. H. Wobbe, 1514 Warren street?—A. Mrs. Connolly, 1512 Warren street, says he moved in December last, and was here on November 2, 1880.

Q. Did you learn where he had moved to?—A. No, sir.

Cross-examination by the counsel for the contestee, Mr. DONOVAN:

Q. What was the address for H. H. Wobbe?—A. 1514 Warren street.

Q. Did you inquire for him at 1519 Warren, the place from which he was registered?—A. I inquired at 1514 Warren street.

Q. And not at 1519 Warren street, from which latter place he is registered?—A. No, sir; I didn't inquire at 1519.

Q. Well, who did you see at 1514 Warren street?—A. I saw a young lady there, but I don't remember her name.

Q. What did she have to say to you?—A. The same as Mrs. Connolly. They were both there when I inquired there.

Q. What sort of a place is that?—A. Two-story brick house.

Q. Was it a tenement house, or just a private dwelling?—A. Private house.

Q. How long had those parties been living there, Mrs. Connolly and this young lady?—A. They have been living there for years.

Q. Well, do several families live in the same house?—A. Not that I know of.

Q. Well, if they have been living there for several years, how does it come that Mr. Wobbe lived there?—A. He moved out last December.

Q. Well, then, he was living there at the same time that Mrs. Connolly was living there?—A. No, sir; she lives at 1512.

Q. I asked you a moment ago who it was you saw at 1514 Warren street, and you said Mrs. Connolly and a young lady?—A. Yes, sir.

Q. At 1514?—A. Yes, sir; in other words, there are two houses, and I asked for this man, and they both came out as I walked in. Then Mrs. Connolly spoke to me.

Q. Did Mrs. Connolly live at 1514, or was it this young lady?—A. The young lady did.

Q. What is her name?—A. I don't remember what her name was.

Q. How long did she say that that was the address of her family, if they have been living there?—A. For several years.

Q. And you don't know her name?—A. No, sir.

Q. Was her name Wobbe?—A. No, sir.

Q. Well, if she had been living in that single building for several years, how could Mr. Wobbe have lived there too, if it was not a boarding-house or a tenement-house, or something of that kind, or he had boarded there?—A. He may have boarded there, but I don't remember.

Q. Did this young lady say that Mr. Wobbe had boarded with her?—A. She didn't say that he had boarded there. She said that he had lived there.

Q. Where did you look for Mr. Fleher?—A. 1520 North Twentieth street.

Q. Did you inquire for Mr. Flecher?—A. I inquired for Peter Fleher.

Q. Did you inquire for the same man at 1820 North Fifteenth?—A. No, sir; I did not.

Q. That being the place from which he appears to have been registered, did you inquire there for him?—A. No, sir.

Q. Well, if this "c" happened to be in his name, you have no question but what it is the same man; Flecher and Fleher, in your judgment, is the same man?—A. No, sir; not in my judgment, it is not.

Q. Is it a different man?—A. I should judge so; yes, sir.

Q. Living at the same house?—A. Not living at 1520.

Q. But if there was a man registered from that place with the extra c in his name would it be a different man, in your judgment?—A. Yes, sir; it would be, in my judgment.

Q. It couldn't be any misspelling in that man's name. The clerks at the polls couldn't have made a mistake in putting that man's name down wrong?—A. I aint supposed to know whether they did or not.

Q. Well, it would be an impossibility for a clerk to have misspelt the name of the man in the hurry of writing it, left out a letter?—A. I don't know that that comes under the category at all.

Q. It is impossible to misspell a name?—A. No.

Q. It can be done and has been known to have been done once or twice in the age of the world?—A. It might have been; yes.

Q. You concede now that it is a possibility that sometimes when a man gives his name at the poll it may be spelled just a little different from what the man would write it himself?—A. It would not be the same party.

Q. I say that you concede it to be a possibility that a mistake might be made in the writing of a man's name by the clerk when given to him, and being spelled different from what he would write it himself?—A. There is such a thing as making mistake in spelling a party's name by putting in one or two more letters, or leaving out one or two.

Q. What is the necessity for considering such a simple question as that for about five minutes before answering?—A. I don't know.

Q. At what place did you inquire for Thomas Y. Hayhurst?—A. At 1538 North Seventeenth.

Q. You looked for Thomas Y. Hayhurst?—A. Yes, sir; for Thomas Y. Hayhurst.

Q. Did you look for Thomas G. and Thomas S. Hayhurst at that place?—A. No, sir.

Q. Did you look for August Rohlfing at 1426 Monroe or 1426 Madison street?—A. 1426 Monroe.

Q. You say that H. Twellmann lived for a great many years at 1627 Saint Louis avenue; did you find a man by the name of Trottnom living there at that same number?—A. I didn't inquire for Mr. Trottnom.

Q. Did you find a man by the name of Trollmann living there at that number?—A. No, sir.

Q. Well, if his name appear on the registration sheets as H. Trollmann, you suppose it to be the same man as H. Twellmann?—A. No, sir.

Q. Do you suppose it would be a different gentleman?—A. Yes, sir.

Q. Living in the same house that this man is living in there for fourteen years?—A. Mr. Twellmann has lived there for fourteen years.

Q. And if H. Trollmann lived there also for the same length of

e, you suppose that they were different gentlemen?—A. Yes, sir; I did.

Now, if the name of H. Trollmann was registered on election day from that place, you suppose him to be a separate and distinct individual from H. Twellmann?—A. Yes, sir.

Q. Mr. Pollard asked you if you inquired for Philip Lemarx, North Market street; a man by the name of Philip Lemarx, registered on election day from 1819 North Market; did you inquire for one of these gentlemen?—A. Yes, sir.

What did you ascertain in regard to both of them?—A. He lives 817 North Market street—

Both of them?

(Continuing last answer.)

and has for three years.

Both of these gentlemen?—A. Mr. Philip Lemarx.

Q. You say you inquired for both of them. What did you find out in regard to the other Philip Lemarx?—A. There is only one.

Q. Then this is a mistake, his registering from 1819 North Market?—A. The house sits back in the yard. You go from 1817 to 1819, they are exactly adjoining.

Although he himself considered it 1819, Mr. Pollard calls it 1817?—A. Yes, sir.

You and Mr. Pollard know a great deal more about it than the gentleman who lives there?—A. It depends altogether upon circumstances.

But for the present emergencies you are more familiar with the number of the gentleman's house than he is himself?—A. His wife answered me in regard to the number of his residence, and told me it was 1817 North Market street.

Q. But for the present emergencies you are more familiar with the number of the gentleman's house than he is himself?—A. His wife answered me—

COUNSEL. (Interrupting.) Answer the question put, don't answer anything else now.

WITNESS. (Continuing previous answer.) That he lives at 1817 North Market street.

Put the question again, Mr. Notary.

NOTARY. But for the present emergencies you are more familiar with the number of the gentleman's house than he is himself?—A. I don't remember as I am.

Q. You could have said that before without so much waiting.—

A man by the name of Charles Turquens or Charles Tingens registered at poll 153 from the south side of Dodier street, between Twenty-first and Twenty-second street; his registration number 225; now, who did you find living at that place?—A. I found Mrs. J. Ahrens.

Who did she say lived there; did Mr. Turquens live there, the one who was registered from that place?—A. Mr. Charles Juergens.

And you saw no Mr. Turquens?—A. No, sir.

Or Turgens?—A. No, sir.

Do you regard Mr. Turquens and Mr. Juergens as the same man, or is that a mistake in the spelling of his name by the officers at the poll?—A. I take them to be two different parties.

Q. How long was Mr. Juergens living at that place?—A. He has been living there for some time, and had left the middle of November.

Q. How long was he living there?—A. She thought seven or eight months.

Q. Well, this being a strong Republican neighborhood, and the record showing that Mr. Charles Turgens and Mr. Charles Juergens both voted from the same place, where only one of them lived there, you think it is not a mistake in the clerk in the spelling in the name?

—A. I don't know as they voted at all, but I know Mr. Juergens had lived there, and Mr. Turquens I don't know anything about.

143 Q. And you would not regard that Mr. Juergens made a mistake or the clerk made it for him, in putting his name on the polls Turquens?—A. I don't know anything about that, sir.

Q. Mr. Pollard asked you if you found Joseph Amzer at 3204 North Seventeenth street; he was registered from 3207 North Seventeenth street; did you inquire at the latter number?—A. Joseph Amzer says he has lived there for four years, at 3204 North Seventeenth street.

Q. You didn't answer my question; the notary will repeat it to you.

THE NOTARY. Mr. Pollard asked you if you found Joseph Amzer at 3204 North Seventeenth street; he was registered from 3207 North Seventeenth street; did you inquire at the latter number?—A. I inquired for him at 3207, but didn't find him there.

144 Q. Did you have that on your card, 3207?—A. 3207. I have got it here on the card.

Q. How does it come that Mr. Amzer made a mistake in giving the number of his house when he registered, and instead of giving 3204 gave it as 3207?—A. I don't know.

Q. Or is that a mistake of the clerk?—A. I couldn't say whose mistake it is.

Q. It is certainly a mistake, is it or is it not?—A. It might be; yes, sir.

Q. Did you find any Joseph Amzer at 3207 North Seventeenth street?

—A. No, sir.

Q. Well, then, aint you satisfied it's a mistake?—A. I say it might be a mistake.

145 Q. Ain't you satisfied that it is?—A. I can't say that I am exactly.

Q. How much does it take to satisfy you in regard to that kind of a transaction?—A. I don't know.

Q. How long was Justus Pfeiffer living at 3509 North Eighteenth before the election?—A. Since the first of November, when he moved into the house.

Q. That was the day before the election that he moved in there?—

A. Yes, sir.

Q. Who did you inquire for at 1022 East Sixteenth street?

WITNESS. 1022 East Sixteenth street?

COUNSEL. Yes, sir.

A. I inquired at 1020 East Sixteenth street for Howard McCullogh. I found Mrs. McCullogh.

146 Q. I say for whom did you inquire at 1022 East Sixteenth street?—A. I did not inquire at 1022.

Q. For anybody?—A. No, sir.

Q. Didn't you go to 1022 East Sixteenth street?—A. No, sir.

Q. Did you not testify on this stand that you did go to 1022 East Sixteenth street?—A. No, sir; not that I know of.

A. Are you just as sure of that as you are of anything else that you have testified in this case?—A. Yes, sir.

Q. Well, now, just take plenty of time to think and see if you

147 didn't testify to going to 1022 East Sixteenth street. Take ample time for that, and look at your cards and memoranda?

WITNESS. 1022 East Sixteenth street?

COUNSEL. Yes.

A. I went to 1022; yes, sir.

Q. Then you were mistaken if you went there?—A. In regard to this party I must have been.

Q. I did not ask you about any party. I asked you whether you went to 1022 East Sixteenth; and, if you did so, for whom did you inquire; now you find out that you did go there; who did you inquire for?—A. For Theodore Heuermann.

Q. Did you inquire for Theodore Hennemann or Heumann?—A. No, sir.

148 Q. How did the man spell his name that lived there?—A. Heuermann.

Q. Did he ever spell it Heuermann?—A. I believe I made that answer.

Q. Now, will you please tell me who you inquired for at 2418 North Thirteenth street?—A. Yes, sir; I made inquiries at 2418 North Thirteenth street.

Q. Who did you inquire for; did you inquire for J. W. Boyd or J. C. Boyd?—A. I inquired for J. W. Boyd.

Q. How long was he living there?—A. Mr. Boyd has lived here since August, and does yet.

Q. What sort of a house is that?—A. A two-story brick house.

Q. Is it occupied by more than one family?—A. I should judge so.

149 Q. Has he got a brother or a father there?—A. I didn't ask him them questions.

Q. The only party that registered from that house is J. C. Boyd; did you inquire for that gentleman?—A. I inquired for J. W. Boyd, and found him.

Q. But I say the only party who registered from that house is J. C. Boyd; did you inquire for J. C. Boyd?—A. Yes, sir.

Q. Did you find him?—A. No, sir.

Q. Was there any man of that name living there?—A. Mr. J. W. Boyd says no; that he registered himself as J. W. Boyd, and not J. C. Boyd.

150 Q. But if his name appears upon the registration sheets there from that house as J. C. Boyd, how is it to be accounted for?—A. There was no J. C. Boyd living there.

Q. I will put the question to you again: But if his name appears upon the registration sheets there from that house as J. C. Boyd, how is it to be accounted for?—A. I don't know, sir.

Q. You regard that a great fraud was perpetrated in the interests of the Republican party?—A. Not being acquainted with the party, I don't know.

Q. (Continuing previous question) by Mr. J. W. Boyd, or somebody else?—A. There is not.

151 Q. (Still continuing previous question). In passing two votes—casting two votes from that house, one under the name of J. W. Boyd, and one under the name of J. C. Boyd? Please state how do you account for this thing? Is that not a plain clerical error of somebody, or is it a Republican fraud, just as you choose, or Democratic fraud, I don't care which?—A. I don't know; I am not posted in the doings of the Republican or the Democratic parties.

Q. But can't you give me your best impressions as to whether or not

a man by the name of J. C. Boyd lived in that house at any time the day of election?—A. Well, J. C. Boyd did not live in that house.

Q. Although he is registered from that house?—A. I don't know whether he is registered from that house or not; I was not for J. W. Boyd, and I found J. W. Boyd in that house.

Q. And you do not believe that J. W. Boyd and J. C. Boyd are the same identical party?—A. No, sir; I do not.

Q. And you therefore regard that some fraud was perpetrated because J. C. Boyd never lived in that good Republican house at that time?—A. I don't know, sir.

Q. You showed an intimate knowledge with the lines of voting precincts, and stated the precinct in which 1515 North Sixteenth street is located. Would you be good enough now to tell me what precinct it is; look at your cards, you have got the number right on the card.

WITNESS. (Pausing.)

153 Q. Can you answer my question? Say yes or no, before consuming time.—A. I can't remember now, sir.

Q. Can you tell me the boundaries of the precinct in which North Sixteenth street is located in?—A. I can't remember now.

Q. But when Mr. Pollard asked you what precinct 1515 North Sixteenth street was in you answered him very glibly. Why can't you answer me now? Were you acting upon the information that you or upon your own knowledge?—A. Upon my own knowledge.

Q. Why can't you give me that same knowledge now?—A. There is so much of it, I don't remember.

154 Q. But I tell you to look at your cards and your memory. I give you all the facilities that you had in your direct examination, and I ask you to answer my question as you answered Mr. Pollard's in the direct examination?

Mr. POLLARD. If you will read him the boundaries of that precinct as I then read it to him he can answer.

WITNESS. If he would read me the boundaries I would tell him.

By Mr. DONOVAN:

Q. Mr. Pollard did not read the boundaries for 1515 North Sixteenth street, but you answered it without his doing so; now answer me?—A. I don't remember; I can't tell you.

Q. Mr. Wolff, you sought for a gentleman by the name of James Saler, about a month or two ago, and came upon the stand and reported that you could not find him. Now, do you know as much on that subject as your brother canvasser did, Mr. M. D. Strait? Can you give me the same information that he gave in regard to the same name?—A. I can't remember what my answer was to that question.

Q. You were directed to inquire for James Saler, on Hebert street, between Twentieth and Twenty-first street, and you reported that you did not find him; did you or did you not?—A. I don't remember.

156 Q. Now, Mr. Strait is given the same name, and you were present this morning and heard his report on that this morning.—A. I didn't pay any particular attention to it.

Q. Now, the name was given as James Saler to both of you; you reported he does not live there, and Mr. Strait comes in and says in rebuttal testimony, "No; that is James Sales; I found James Sales there, and I always look for a man whether he spells his name right or wrong." Now, did you find James Sales there?—A. I don't remember what my answer I made to that question.

Q. If James Sales was a voter that lived there, why did

157 report him in your examination-in-chief?—A. I don't remember what my reply was to that.

Q. Do you suppose that Mr. Strait is influenced by the fact that this man is a negro, and for this reason he finds the man, although the letter r in his name ought to be an s?—A. I can't say.

Q. You can't explain that?—A. No, sir.

Q. William E. Hardwig, the canvasser of the contestant, in his testimony in-chief, reported that James Smyth was not known in the vicinity of 2124 Biddle street, and swore to that. The canvasser for the contestee, in his testimony, reported that James Smyth, lived at 2122½ Biddle street, for twenty years. Which of these two gentlemen told the truth; Mr. Hardwig, who said that the gentleman was not known there, or the canvasser for the contestee, who swore that he lived at 2122½ for twenty years?—A. James Smyth lives at 2122½.

Q. Then the canvasser for the contestee was right in his testimony, inasmuch as it accords with your own testimony now, which is presumably in rebuttal, but which is actually in confirmation of what the canvasser for the contestee reported; then this gentleman who reported that he was living at 2122½ Biddle street, is correct?—A. He does not live at 2124.

Q. Certainly not, but he is known in the neighborhood, is he not?—

A. At 2122½.

159 Q. And Mr. Hardwig, the efficient canvasser made a mistake?—A. He is not known at 2124.

Q. But if he is living there for twenty years, he is likely to be known within a few doors of his place?—A. Yes, I suppose so.

Q. What did you report in regard to Michael Kenny, 2212 Division street?—A. Miss Kelly told me he moved to Butchertown last September, also that the house 2212 Division street has been vacant for one year, up to the last of the present month.

Q. Was he living at 2212 Division street?—A. No, sir.

Q. Where was he living?—A. He was supposed to have lived at 2212.

Q. Now, he moved from there; when did he move to Butchertown?—A. He moved last September.

Q. Where did he move from; where was he living?—A. I suppose 2212.

Q. How could he move from 2212, when you have just sworn that that house has been vacant for one year?—A. Miss Kelly told me that the house had been vacant for one year, but he lived at 2214.

Q. That is what I am asking you where he moved from?—A. He moved from 2214.

Q. And she thinks that it is in September that he moved?—A. Yes, sir; he never lived at 2212.

Q. But when did he move from 2214?—A. Last September.

Q. That was her impression; was he a relation of hers?—A. No, sir; not that I know of.

61 Q. What did she do when you made this inquiry of her?—

A. She was coming into the house with a market-basket full of something to eat, I suppose.

Q. Now, the canvasser for the contestee reported that that gentleman moved in the latter part of November to Butchertown?—A. Miss Kelly says he moved in September.

Q. How did she fix the date?—A. I can't say.

Q. Which of you are most accurate as to the date of that man's removal, as to whether it was September or the latter part of November?
—A. I would take Miss Kelly's word for it.

Q. Wouldn't you take Mrs. Smyth's word on this subject, if
162 she told you that they moved in the latter part of November?—

A. Mrs. Smyth didn't tell me nothing.

Q. What information did you elicit in regard to Stephen Howard, 2116 Division street?—A. I found Mr. Stephen Howard at 2116 Division street.

Q. Well, what was the trouble about him?—A. There is only one Stephen Howard there.

Q. He was reported by Mr. Hardwig; as not known there; which of you is correct?—A. There is only one Stephen Howard there.

Q. Well, Mr. Hardwig has reported regarding this gentleman that he is not known at 2116 Division street; you reported that
163 you did find him there; now, which of you is correct about this?
—A. I found one Stephen Howard at 2116 Division.

Q. So, if Mr. Hardwig reported any such fact as that this gentleman was not known there, then he was very much mistaken, was he not?—
A. If he did; yes, sir.

Q. Now, this same man Hardwig reported that James Moran was not known at 1609 O'Fallon street; what did you find out?—A. There is no James Moran at 1609 O'Fallon street.

Q. Well, what did you find out about him?—A. He boarded with Mrs. Scott, 1521 O'Fallon street, one week before the election.

164 Q. From whom did you get that information?—A. From Mrs. Scott, at 1521 O'Fallon street.

Q. How did she come to fix the date just a week before the election?
—A. I can't say.

Q. She gave the information to a gentleman who visited her that this party lived at 1609 O'Fallon street until December, 1880, and then moved to this place; now, to whom did she give the correct information?—A. I can't say, sir.

Q. Did you give her any intimation that it would be desirable that the gentleman should have moved a week before the election?—A. I didn't say anything to her at all; merely asked her whether Mr.—

Q. How many people had been to her house inquiring about James Moran?—A. I can't tell you, sir.

165 Q. Wasn't she sick and tired of being visited by people coming there to inquire about this Moran?—A. She didn't say so.

Q. Wasn't that generally so throughout this district?—A. Not that I know of.

Q. Wasn't she so sick and tired of this whole business that if any one came there she would give them most any information?—A. I couldn't say.

Q. Mr. Hardwig, in his report, swore that Patrick Boyle was not known at 1418 North Eighteenth street?

Mr. POLLARD. Please do not misstate the testimony of Mr. Hardwig; he made no such statement as that.

Mr. DONOVAN. I am taking it from the record.

166 Mr. POLLARD. You are taking it from some record that was taken by some boy for you.

Mr. DONOVAN. The record that Mr. Kraft, the notary, is making out here will verify in every instance just what I here state in regard to what was the report of Mr. Hardwig regarding that and every name that he chose to read off. (To the witness.) Mr. Hardwig reported

that Patrick Boyle was not known at 1418 North Eighteenth street; the canvasser for the contestee, Mr. Fury, reported that this man had been living there for twenty years. Now, which of these two gentlemen made a truthful statement?

WITNESS. You want me to answer whether I found Patrick Boyle there?

Mr. DONOVAN. I want you to answer my question, Mr. Wolff, and nothing else. When I want you to answer other questions I will ask them, but for the present I want you to answer this one?—A. Well, the men there reported he lived there.

Q. Do you know how long he had been living there?—A. Five years.

Q. At least?—A. Yes, sir.

Q. You didn't ascertain there that he was living there for twenty years?—A. No, sir; I asked him the question how long he had been living here, and he says five years.

Q. Now, Mr. Hardwig reported that P. Ryan was not known at 2520 Cass avenue; what did you report in regard to him?—A. Moved last September.

Q. Or lives there since September, which?—A. Moved last September.

Q. Who gave you that information?—A. Mrs. Murry, who lives at 1520.

Q. What relation was Mrs. Murry to Mr. Ryan?—A. I don't know.

Q. What interest did she have in Mr. Ryan's affairs to keep the day and the date of his removal?—A. I couldn't tell you, sir.

Q. Suppose her husband had told you that he, Mr. Ryan, had moved from there about the latter part of November, which of them would you believe; that is the report made by the canvasser for the contestee, that he removed after the election?—A. I would believe

Mrs. Murray, as long as she had told me, that he had moved in September.

Q. You would believe the one that suited you best?—A. I couldn't say which would suit me best, because I didn't see both parties.

Q. Now, Mr. Hardwig reported that Michael Pendergrast was not known at 1710 Mullanphy street; what is your information?—A. Has left there for the past seven months.

Q. Do you know how long he had lived at that place?—A. I do not, sir.

Q. Do you know anything about his having resided there for years?—A. I don't know that, sir.

Q. Do you know that he left there only during the present year?—A. I don't know that, sir.

Q. Who told you that he moved seven months ago?—A. Mr. Rudolph Schultz, 1701 Mullanphy.

Q. How far is that from 1710?—A. About five houses.

Q. Why didn't you go to 1710?—A. I did go there.

Q. Who did you see there?—A. I don't know who I saw; but I saw some one in the house that had been living there; I don't know Mr. Pendergrast.

Q. When did those people move into that house?—A. They have been living there for six or seven or eight months, I believe.

Q. What sort of a house was that?—A. Two-story brick house.

Q. Several families live in it, do they?—A. I suppose there are; yes, sir.

Q. Were you informed where Mr. Pendergrast had moved to?—A. No, sir.

Q. Who is it informed our canvassers as to where he had moved to?
—A. I don't know, sir; I couldn't say.

Q. Well, he is known there at all events in that vicinity, is he not?—
A. He must have been known before last September.

(Mr. Pollard, counsel for the contestant, objects to the counsel for the contestee detaining the witness ten or fifteen minutes without asking him a question, and refusing to let him be discharged.)

172 By Mr. DONOVAN:

Q. What did you learn in regard to John J. Moran, 4115 North Second?—A. Has not lived there since last August.

Q. Do you know where he went to?—A. No, sir.

Q. Didn't somebody inform you that within the last nine weeks that that man had been living there for a long time and then left for Memphis?—A. No, sir.

Q. Who was it gave you the information that this man hadn't been living there?—A. Mrs. Stutte.

Q. When did she say he had moved away?—A. Last August.

Q. Did Mrs. Stutte live at that house?—A. Yes, sir.

173 Q. Was that a boarding-house?—A. No, sir.

Q. Tenement house?—A. No, sir.

Q. What sort of a house?—A. A dwelling house.

Q. Did she know the gentleman?—A. Yes, sir.

Q. How did you come to have that impression, if it was an impression, when she gave the information only a short while ago that the man had left only six or seven weeks previous to the time she was visited by another gentleman who had asked for him?—A. She told me he left last August.

Q. Did you cause her to give you that information by any suggestions of your own?—A. No, sir.

174 Q. What is your report in regard to Michael Tarlotting, 2801 Dickson street?—A. No such number as 2801 Dickson street, or Clay avenue.

Q. Did you make any further inquiries for that gentleman?—A. Not known in the vicinity.

Q. Do you know whether this gentleman's family lives in the house referred to or not?—A. No, sir; I don't know.

Q. And when he returns from the trip, that he lives right at that place, and goes there and stays with his own family, and is there now?
—A. There is no 2801 Dickson.

Q. There is 2803 Dickson.—A. Yes, sir.

Q. Who lives there?—A. I don't know who lives there.

Q. Who lives at 2805 Dickson?—A. I don't know, sir.

175 Q. Does not Michael Tarlotting's family live at 2801 Dickson, or one or two houses from it?—A. I don't know; he don't live at 2801 or 2803.

Q. Why didn't you inquire for the gentleman?—A. I did, sir.

Q. Because our information is that his family lives right there on that block, and further that he is a river man?—A. He is not known in the neighborhood I inquired; that is my information.

Q. And you deemed it to be correct?—A. Yes, sir.

Q. Although to the gentleman that saw his own wife she said she lived there, and further told the gentleman what her husband's business was; notwithstanding all this you regard that your information is infallible?—A. I couldn't say about its infallibility; I say the gentlemen and the ladies whom I saw in my canvass are as much responsible as yours.

Q. How many gentlemen and ladies did you see in regard to Michael Tarlotting?—A. I saw three or four.

Q. Who were they?—A. I don't know the names, sir.

Q. Can you give me the name of one of them?—A. No, sir; I cannot.

Q. Now, Mr. Hardwig could not find Mr. Ed. Nugent anywhere about 2504 Dickson street, and reported that that gentleman was not known; what is your information?—A. There was no such number; it is a vacant lot on Twenty-fifth street and Dickson.

Q. Did you inquire for Ed. Nugent about there?—A. Yes, sir.

Q. Now, then, a gentleman just as honest as yourself went up there and ascertained that he lived there for two or three years and saw the gentleman or his wife who gave him the information; how do you account for this disparity in reports?—A. I judge that I would be as able to get information as he was.

Q. You just told me, just now, that there was no such number as 2504 Dickson street?—A. There is no such number as 2504 Dickson street.

Q. When you went for those gentlemen, did you always look for the man or for the number, which?—A. Both.

Q. Did you look for the man?—A. Yes, sir.

Q. But you can't give me the name of a single man or a single woman from whom you inquired as to the residence of Ed. Nugent, or his family?—A. No, I can't give you no name, sir.

Q. But you have given me names right straight along before, why can't you give me the names now of some of these gentlemen and ladies from whom you inquired as to the residence of Ed. Nugent and his family?—A. I simply reported that there is no such number.

Q. Why didn't you say something about Ed. Nugent or his family; why can't you tell me something about that?—A. There is no such number as 2504 Dickson.

Q. Now, Mr. Hardwig is reported in regard to Patrick Leakey of 1420 North Eighteenth street that after a careful, cautious, diligent, conscientious, and scrupulous search throughout the entire neighborhood, that the gentleman is not known; now what is your report; our canvasser says that he has lived there or in that vicinity at 1414 for eighteen or twenty years, what do you say?—A. I say twenty years.

Q. Well, how does Mr. Hardwig come to make that report which he has made in regard to a gentleman that has lived there for twenty years; how does he come to report him as not known?—A. I can't explain that; he lives at 1420 North Eighteenth street.

Q. So then the canvasser for the contestee was right in his statement and Mr. Hardwig was mistaken when he stated that he was not known?—A. Yes, sir.

By Mr. POLLARD:

Q. Did you say that Pat. Leakey lived at 1414 North Eighteenth street?—A. Timothy Leakey lives there.

Q. Did you find Patrick Leakey there or anywhere else?—A. No, sir. Signature waived.

PHILIP LAUFF, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. Philip Lauff.

Q. Where do you live, Mr. Lauff?—A. 1235 North Fifth street, at the Saint Lawrence Hotel.

Q. Do you know this gentleman here, Mr. Frank Tate?—A. Yes, sir; I have seen him.

Q. Was he making any inquiry from you within a few weeks, concerning the time when Michael Grady moved away from the rear of 1225 North Fifth street?—A. I recollect this young man calling there several weeks ago; five or six weeks ago.

182 Q. What, if anything, did you tell him about the time that Michael Grady moved from the rear of 1225 North Fifth street?—A. I told the young man at that time that Michael Grady had not lived in the rear of 1225 North Fifth street, on the day of election, but had moved away from there previous to the election, several months before that.

Q. And that is the truth?—A. Yes, sir.

Q. That he didn't reside there on the day of election?—A. That he did not reside there on the day of election.

Q. And had not for several months before?—A. No, sir; not for several months before.

Q. You reside at that place yourself?—A. No, sir; I reside at 1235.

Q. Well, you knew this man and knew when he left?—A. Yes, sir; I knew him for years.

183 Cross-examination by Mr. DONOVAN:

Q. Now, Mr. Lauff, if Mr. Tate in his cross-examination, stated that Michael Grady lived in the rear of 1225 a long time and had moved to 7th street, is that true or not, in regard to Michael Grady?—A. Michael Grady moved away from 1225 North Fifth street, in the rear of that number.

Q. But if Mr. Tate on the stand gave the information that Michael Grady lived in the rear of 1225 North Fifth street a long time and moved to 7th street, would there be anything inaccurate in that?

WITNESS. What time did he move—before or after the election?

Q. I have given you the statement of Mr. Tate, and I want to
184 know whether it is correct or incorrect?—A. If he reports that he moved after the—

COUNSEL. (Interrupting.) Listen to my question, sir. I have asked you the question, that if Mr. Tate reported that Michael Grady of 1225 North Fifth street, had lived in the rear of that number a long time, but had moved to 7th street, was his report accurate or inaccurate?—A. That report would be correct, providing it would be before election. He has not moved, sir; since he moved two months before the election.

Q. Then if Mr. Tate made that report regarding that name, he told the absolute truth?—A. Yes, sir.

Q. Now, since you are on the stand, will you please tell me where Michael Shallow lives?—A. There was a man by that name in the
185 house—in the Saint Lawrence Hotel. That is my hotel.

Q. That is your hotel, is it?—A. Yes, sir.

Q. Did he live there on and before the election?—A. Yes, sir.

Q. Mr. Tate made the report also. Is that true or false?—A. If he made that report, that is correct. Did he make any other report that I told him?

Q. In regard to those two names you gave this information to Mr. Tate?—A. Yes, sir.

Q. If he reported as I stated, why, it was correct?—A. It was correct so far as those have been stated.

Signature waived.

186 OBADIAH SMITH LEE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?

(Mr. Donovan, counsel for the contestee, objects to any examination of this gentleman, for the reason that no notice has been given that his deposition was to be taken on this day.)

Mr. POLLARD. I find on examination of the notices that the notice for this witness was given for to-morrow. We will therefore withdraw Mr. Lee for the present.

187 J. S. CROCKER, Jr., produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your name?—Answer. J. S. Crocker, jr.

Q. What is your business, Mr. Crocker?—A. My last business has running printing office—the Daily Chronicle. I reported for them been when I first started, and was connected with them until a short time since.

Q. Were you recently employed to make a canvass of a number of addresses in the third Congressional district?—A. Yes, sir.

188 Q. You were given some cards with the names and numbers on, were you not?—A. I was.

Q. By Mr. Wieseahn?—A. By Mr. Wieseahn; yes, sir.

Q. When did you do that work, Mr. Crocker?—A. I have been engaged in it since last Friday morning.

Q. And continued on until to-day?—A. Yes, sir.

Q. Now, Mr. Crocker, did you inquire at 2002 North Tenth street for James B. Davis?—A. I did; yes, sir.

Q. What did you learn?—A. I learned that James B. Davis has boarded at 2002 North Tenth street for one year.

Q. He still lives there, does he?—A. Yes, sir; he lives there still.

Q. Who gave you that information?—A. Mr. Davis himself.

Q. Did you inquire for Peter Merkel, residing at 916 Madison street?—A. I did; yes, sir.

189 Q. How long did you ascertain that he had lived there?—A. Since September last.

Q. From whom did you get that information?—A. From himself, Mr. Peter Merkel.

Q. What did you ascertain about W. Riechmann, 822 Madison street?—A. I found that he had left there; that he did live there in November last, and moved away last Christmas.

Q. Did you find out whether or not he was living there on election day?—A. Yes, sir.

Q. From whom did you learn that fact?—A. I learned that he was living there on election day from Mrs. Vogt. I saw her at the boarding-house at that number.

Q. Did you inquire about John Dorsey, 2023 North Tenth street?—A. I found that he has lived there over two years, and does yet.

190 Q. Who did you learn that from?—A. From his wife, Mrs. John Dorsey.

Q. What did you learn about Samuel Ales, 921 Warren street?—A. Samuel Ales has lived there over a year, and does yet.

Q. Who did you learn that from?—A. I learned that from Mr. Ales himself.

Q. What did you learn about G. W. Snyder, 2513 North Twelfth street?—A. That he had lived there six years, and lived there on the 2d of November, and does yet live there.

Q. Who did you learn that from?—A. From Mrs. Snyder.

Q. What did you learn about J. W. Boyd, 2418 North Thirteenth street?—A. He had lived there since last August, and does yet.

Q. Who did you learn that from?—A. Mr. J. W. Boyd himself.

Q. What did you learn about David Curry, 1115 Saint Louis avenue?—A. That he lived there since September last until two months ago, and is now stopping on the corner of Saint Louis avenue and Broadway.

Q. Who did you learn that from?—A. I learned that from Mrs. Kelly, his sister-in-law.

Q. What did you learn about Ben. W. Key, 1201 Wright street?—A. That he left about the middle of November last; that he has gone to Georgia; that he did live there on the 2d of November, and for some time previous. I got that information from Fred. Koch, 1201 Wright street.

Q. What did you learn about Curtis Knapstead, 1111 North 13th?—A. That he lived there about a year, and does yet, so says his sister.

Q. What did you learn about Louis Meyer, 1119 North 13th street?—A. That he lived here on the second of November, but now lives at 1017 North 14th. I got that from his step-mother.

Q. What, if anything, did you learn about Louis Ahe, 1005 North 15th?—A. He has lived here since last June, and does yet. So says his wife, Mrs. Ahe.

Q. What did you learn about John Stanton, 1006 North 17th?—A. That he lives there, and has for over six months. It is a bakery. I learned that from his wife.

Q. What did you learn about Louis Zoellner, 1123 North 16th?—A. He lived here since a year ago last September, and lives there now.

Q. Who did you learn that from?—A. From Zoellner, himself.

Q. What did you learn about Howard McCullough, 1020 East 16th?—A. That he lived there since last September. His wife told me that, Mrs. McCullough.

Q. What did you learn of Theodore Heuermann, 1022 East 16th?—A. I ascertained from Mrs. Henry Heuermann that Theodore Heuermann had lived there six years, and lives there now.

Q. What did you learn about Peter Davis, 1117 North 15th?—A. That he had been living there 13 years, and does yet. I learned that from Peter Davis, himself.

Q. What did you learn about Thomas Y. Hayhurst, 1538 North 17th?—A. I haven't that card. Oh, yes; I have it. There it is. Thomas Y. Hayhurst, 1538 North 17th. The information is, that he has lived here since last September, and does yet. So says Mrs. Hayhurst.

Q. What, if anything, did you learn about A. G. Hain, 1603 Cass avenue?—A. I learned that he lived there on November second, and for some time previous, but did not now. I ascertained that from Mr. Louis Klingelhofer, 1603, and August Kellermann, 1601, next door, on Cass avenue.

Q. What did you learn about H. Schormann, at 1526 Biddle?—A. He lives here now, and did on the second of November last, and has for four years. I learned that from Mrs. Schormann.

Q. What did you learn, if anything, about Charles Edward Pistor, 1515 Cass avenue?—A. I learned that he lived in the third story
196 of that house for two years, and lives there now. I learned that from himself.

Q. What did you learn about James Jones, 1113 Cass avenue?—A. The information that I got in regard to Mr. Jones is, that he had lived here last November; that he had moved in an alley on 11th street, between Franklin avenue and Wash street.

Q. Very well, but when?—A. Since November; I didn't get the date.

Q. From whom did you learn that fact; the occupants of that house?—A. I learned that from that same house. I don't know the names.

Q. What did you learn, if anything, in regard to William Quernheim, 1515 North 16th?—A. I ascertained that he lived over on the southwest corner of 15th and Mullanphy, and had for two years.

197 Q. How far is that from 1515 North 16th street?—A. It is near there.

Q. Well, about how far? Not a block away, is it, or is it not?—A. Well, it is about half a block, or a block, I should judge.

Q. What, if anything, did you learn about Henry Ruhe, 1616 North 17th?—A. He lived here on November second, and has for 18 months past, and does yet. I learned that from Mrs. Henry Ruhe.

Q. What did you learn about Peter Klein, 1626 North 14th?—A. Lives here now, and has for several years.

Q. Who did you learn that from?—A. From Peter Klein.

Q. Himself?—A. Himself; yes, sir.

198 Q. What did you learn about August Rohlfing, 1426 Monroe street?—A. That he has been living in the rear of 1426 Monroe street for the past 19 years.

Q. And still lives there?—A. Yes, sir.

Q. Who did you learn that from?—A. From his mother.

Q. What did you learn of H. Twellman, 1627 Saint Louis avenue?—A. I learned in regard to that man that he has lived here 14 years—so says his wife—and does yet.

Q. What did you learn about Philip Le Marx, 1817-1819 North Market?—He has lived here for three years, and does yet, in the rear.

Q. Who did you learn that from?—A. I learned that from his wife. That is a double house. He lives back in the rear, upstairs.

199 Q. What did you learn, if anything about Josiah Wilson, south side of North Market, between West Twentieth and Jefferson avenue?—In regard to this party I learned that he had lived there on the second of November and for over a year previous, but that he had moved away last month; that was in March.

Q. Who did you learn that from?—A. From his brother, Nathaniel Wilson.

Q. What did you learn about Caspar Schwicke, Hebert street, between Twentieth and Twenty-first?—A. I learned that he lived there and has for the past year.

Q. Whom did you learn that from?—A. From himself.

200 Q. What did you learn about Charles Turgens or Jurgens, and which, on the south side of Dodier street, between West Twentieth and Twenty-second?—A. I learned that Charles Juergens left there the middle of last November, but that he lived there November the second. This I found out from Mrs. Mary Ahrens.

Q. His name was Juergens?—A. That is the name she gave me.

Q. What did you learn of Jacob Diesing, south side of Dodier street.

between Twenty-first and Twenty-second streets?—A. That he has lived there a year the 12th of April. I learned that from Mrs. Dieing.

Q. What did you learn about George W. Danner, the south side of Hebert, between Twenty-first and Twenty-second streets?—A. I learned in regard to Mr. Danner, that he lived there a year, but left last January; where they didn't know. I ascertained that from Mr. Keefhoeber.

201 Q. At that same place?—A. At that same place; yes, sir.

Q. What did you learn about Joseph Britt, 1907 University street?—A. That he had lived there two years and does yet. I ascertained that from his mother.

Q. What did you learn about Joseph Amzer, 3204 North Seventeenth?—A. I found out that he lived there four years and lives there yet. I saw himself and learned that from himself.

Q. What did you learn about Charles Hannebrinck, Mallinckrodt street, between Fourteenth and Fifteenth?—A. I learned in regard to Mr. Hannebrinck that he lives there now and has since last October. Mrs. Caston was my informant at that number.

202 Q. What did you learn about Justus Pfeiffer, 3509 North Eighteenth street?—A. That he lives here, and has since the 1st of November last.

Q. Who did you learn that from?—A. From Mrs. Pfeiffer.

Q. What did you learn about Adolph Wibbing, on the northwest corner of Eighteenth and Davis?—A. That he had been living there 15 months, and does yet. Mrs. Wibbing told me.

Q. What did you learn about August Zemke, 1800 Bremen avenue?—A. In regard to that name I learned that Mr. Zemke had lived there the second of November and moved away the middle of November. Ernest Kellerman was the party who informed me of that.

203 Q. What did you learn of Christ. Ahrens, 3808 North Eighth?—A. In regard to Mr. Ahrens, I learned that he lived there two years, and moved away in December last to Frenchtown. Mrs. Osterhaupt was my informant; she lives at that place.

Q. What did you learn about Henry Linenweber, 4028 Kossuth avenue?—A. That Henry Linenweber had lived there four years. So says his sister.

Q. And still lives there?—A. Yes, sir.

Q. What did you learn about G. Burs, Eighteenth street, between Garibaldi avenue and Bremen avenue?—A. Mrs. Burs states that they moved from Eighteenth to the corner of Seventeenth and Garibaldi about one month ago, but that they lived on Eighteenth and Garibaldi in November last.

204 Q. What did you learn about Jacob Bottom, 3716 North Eleventh?—A. I learned that Jacob Bottom has lived there, and works for Mr. Bray, and has lived here since October. Mr. Bray is the occupant of the house; Bottom lives with him.

Q. What did you learn about Peter Fleher, 1520 North Fifteenth?—A. He has lived there about a year and a half, and does yet. So says his wife, Mrs. Fleher.

Q. What did you learn about H. H. Woble, 1514 Warren street?—A. That he lived there on the 2d of November, but moved on last December. So says Mrs. Connell, at 1514 Warren street.

Q. Mr. Crocker, I will ask you whether or not you made a canvass of certain names of men which the contestee endeavored to prove did

reside at the place where they had registered from?—A. I have; yes, sir.

205 Q. When did you make that canvass?—A. This week.

Q. In making that canvass how much diligence did you exercise, Mr. Crocker?—A. Well, if I didn't find that they lived where they represented themselves to I went to the next door, and perhaps two or three different places adjoining to it, to parties that I thought would know something about it.

Q. Did you inquire for C. R. McBride, or O. R. McBride, 1323 North Twenty-first street?—A. Yes, sir.

Q. What did you learn there at that place concerning him?—A. I learned that no O. R. or C. R. lives or has ever lived at that number; but Theodore McBride lives at 1225 North Twenty-first, and has for several years. So says Theodore's wife.

206 Q. How many inquiries did you make to ascertain if there was any such man as O. R. or C. R. McBride living at 1323?—A. I made three or four.

Q. What did you learn about Patrick Boyle, registered from 1418 North Eighteenth street?—A. I learned that he had lived there several years, but says that he did not vote on November second.

Q. Who did you learn that from?—A. Mr. Patrick Boyle.

Q. Is there any other Patrick Boyle living at that number?—A. I think not; I couldn't find any. No, sir.

Q. What did you learn about John Barns?—A. I was not able to find any such party. I found a man named Frank Farrell living there, and had been living there for several years, and he knows no one by that name.

207 Q. What did you learn about James Shea, 1316 North Sixteenth?—A. Couldn't find him at all. Not known.

Q. Did you make more than one inquiry in regard to this man Shea?—A. Yes, sir; I made three or four, I think. I did in each case, and no one knew anything about this party.

Q. What did you learn about Edward Fitzgerald, who registered from the southwest corner of Twenty-eighth street and Dickson street?

—A. No one of that name known there. I made several inquiries and inquired at each of the four corners, and went down below the corner house next to the alley and inquired there, but couldn't find him.

Cross-examination by Mr. DONOVAN:

208 Q. You say you found James B. Davis at 2002 North Tenth street?—A. Yes, sir.

Q. Did you inquire for John B. Davis?—A. I did not.

Q. You only inquired for James?—A. James B. Davis; yes, sir.

Q. How many people have handled that same card that you have got your hand now?—A. That is more than I can tell you.

Q. Didn't you just get them from Mr. Wolff?—A. No, sir; I got them myself.

Q. Has Mr. Wolff handled those same cards?—A. That is more than am able to state. I don't know.

Q. You can't tell how many people have handled them, then?—A. No, sir.

Q. Now, at 2413 North Thirteenth street; did you inquire for J. C. Boyd?—A. No, sir.

Q. You inquired for J. W. Boyd?—A. I did.

209 Q. I suppose, Mr. Crocker, you know nothing as to how Mr. Boyd's name appears upon the registration sheets?—A. I do not.

Q. Whether it appears there as J. C. or J. W. ?—A. No, sir; I do not.

Q. Now, who did you inquire for at 1201 Wright street, and who did you see ?—A. I inquired for Ben. W. Key. I saw Fred. Koch, 1201 Wright street.

Q. What relation is Fred. Koch to Ben. W. Key ?—A. That I don't know.

Q. Is he a connection of his, or friend, or anything of that kind ?—A. He is an acquaintance of his. He is a butcher, and Mr. Key, I understand, is a minister. I don't know, though. I couldn't positively swear to that.

210 Q. Did this gentleman live in the same house with Mr. Key, or did he move in after Mr. Key moved out ?—A. That I didn't inquire about. He lives in the same house now that Mr. Key was living in before.

Q. Does this gentleman occupy the whole house ?—A. I think so. It looked like it; yes, sir.

Q. When did that gentleman move there ?—A. That I didn't ask him. He lived there for some time. I didn't ask him how long.

Q. Had he been living there six months ?—A. I couldn't state whether he had lived in that house that long a time or not. He keeps his place of business opposite there.

211 Q. Did he live there as long as a year, or do you think from what he said he is an old resident around there ?—A. I inquired first of his wife, and his wife directed me to him. She gave me the same information that he did.

Q. Well, he and Mr. Key did not live in the same house at the same time, did they ?—A. That I can't tell. His wife said they were friends, and he could tell me all about it.

Q. And he lives at the same house that Mr. Key did live at when he was living there ?—A. Yes, sir.

Q. Well, then, you got the information that Mr. Key moved away about the middle of November ?—A. Yes, sir.

212 Q. Could not this gentleman fix the date with more accuracy ?—A. He said the middle of November. I asked him if he was there the second of November, and he said he was; that he left in the middle.

Q. Now, did he move in the middle of October, or are you sure you have got that November correct ?—A. I am sure that he said November; yes, sir.

Q. Mr. Crocker, how long after Mr. Key moved out of the house did this gentleman move in—this butcher ?—A. That I don't know. He might have occupied it the same time. I can't tell that. I didn't ask that question.

Q. Do you know how Mr. Curtis Knapstead spells his name ?—A. K-n-a-p-p-s-t-e-a-d is the way he gave it to me. His sister gave me that.

213 Q. How long was Louis Meyer living at 1119 North 13th ?—A. He lived there some time previous to the election—to the second of November, and lived there on the second of November.

Q. Well, now, did he live there just up to the second of November, or are you sure that he lived there on that day; what was your information ?—A. I asked if he lived there on the second of November.

Q. What family lives in the house now; what is their name ?—A. That I couldn't tell you.

Q. Did you ask when they moved in there ?—A. Yes, sir.

Q. When did they say they moved in?—A. They moved in some time or he left. Then I went to his address——

Q. Wait a moment. What month did they move in?—A. I don't know.

Q. Did they know Mr. Meyer?—A. Yes, sir; I got the address of his present abode from them.

Q. Did you then go and see Mr. Meyer?—A. Yes, sir.

Q. And he said that he lived there up to the second of November?—No, sir; his step-mother said so.

Q. Did she have any memorandum by which she could refresh her memory as to the exact date on which he moved from that house; whether it was the first or second of November?—A. I saw no memorandum. She said that they were living there on the second of November. That was the only question I asked her in reference to that.

Q. Is she an old lady?—A. Yes, sir; oh, she was just middle age.

Q. Well, did you inquire for a man named Mr. Hennemann, at 1022 East 16th street, or for Mr. Heuermann; which of them did you find living there, or how did the man spell his name?—A. They all their name H-e-u-e-r-m-a-n-n.

Q. When you went to inquire for Peter Davis, 1117 North 15th street, whom did you see?—A. Peter Davis.

Q. Was he an old gentleman?—A. No, sir; he is not an old gentleman.

Q. Was he a young gentleman?—A. He was less than middle-aged; yes, sir.

Q. What age would you take him to be?—A. That I don't know. I can't tell that.

Q. Well, give us a rough guess at it.—A. I would take him to be upwards of thirty.

Q. Now, if the gentlemen who were out looking for these names reported that Peter Davis did live at 1117 North 15th street, it was correct, was it not?—A. Yes, sir; for so he did live there.

Q. And had been living there for many years?—A. Yes, sir.

Q. And did you ascertain the age of a Mr. Peter Davis that was there, who was registered and voted, who was of the juvenile age of 19?—A. I didn't ask for any other Peter Davis; I saw the man representing himself to be Peter Davis.

Q. But the Peter Davis whom we sought was a young gentleman who voted at the polls from that house and was but 19 years of age. Did you see him?—A. I saw no one that I thought was as young as that; no, sir.

Q. You may have seen his father.—A. I don't think that the man I saw was his father.

Q. It might have been, for aught you know.—A. I saw a man claim to be Peter Davis.

Q. But he might have had a son Peter Davis as well.—A. Not this man; couldn't have had a son.

Q. It was not within the range of probability that the man could have a son?—A. Oh, he might have had a son, but not a son 19 years old hardly.

Q. That would be your judgment?—A. Yes, sir.

Q. Did you find living at 1005 North Fifteenth street a man by the name of Humphrey Shea, who lived in the same house that L. Ahe claimed to live in, and who gave information to a gentleman I sent up there that L. Ahe could not have lived at that place

last November, for he himself, Mr. Shea, had been living there in that house for 21 years ?—A. I did not see any such party; no, sir; I saw Mrs. Ahe.

Q. Are you sure that number was 1005 North Fifteenth ?—A. 1005 North Fifteenth street; yes, sir.

Q. Well, if this gentleman, John Shea or Humphrey Shea, lives there also, you say you did not see him there ?—A. I did not inquire for him; I inquired if Mr. Ahe lived there and saw his wife, and she said he did.

Q. Now, did you inquire at 1006 North Seventeenth street for 219 John Stiflen or John Steffen or John Stiffin ?—A. I inquired for John Stiffin; yes, sir.

Q. Well, did you inquire for John Steffen ?—A. Yes, sir; I inquired for Steffen not Steffin.

Q. Did you inquire at 1515 North Sixteenth street for William Quemheim ?—A. I inquired for Quernheim.

Q. Not Quemheim ?—A. No, sir.

Q. You did not find him there where he is registered from ?—A. I found that he moved to the southwest corner of Fifteenth and Mulanphy streets.

Q. But you did not find him at this number where he is registered from, 1515 North Sixteenth street ?—A. No, sir.

Q. Do you know when he moved away from 1515 North Sixteenth ?—A. I don't know; he has lived where he is living now 220 for two years.

Q. You think he never did live at 1515 North Sixteenth, the house he registered from ?—A. Well, I don't know; I didn't inquire.

Q. If he is registered from there he ought to live there; don't you think so ?—A. I don't know anything about his being registered: I don't know anything about the laws.

Q. How long did A. G. Hain live at 1603 Cass avenue ?—A. He had lived there some time; he had lived there the 2d of November; was a barber working there.

Q. Did he live there altogether two months ?—A. That I don't know.

Q. Do you know when he left there ?—A. He left four or 221 five months ago; about four months; left some time, I should judge, in December.

Q. Was there any man there of the name of A. C. Hain ?—A. No, sir.

Q. And you made no inquiry for him ?—A. Not for A. C. Hain; no, sir.

Q. Now, did you inquire for Peter Flecher, at 1820 North Fifteenth ?—A. I inquired for Peter Fleher.

Q. But not for Flecher ?—A. No, sir; not for Flecher.

Q. Did you find living at 1113 Cass avenue a man by the name of Dan. Jones ?—A. I did not.

Q. Did you find anybody by the name of Jones that you spoke to ?—A. I did not; no sir.

Q. What was the name of the party that you were speaking to ?—A.

I am unable to tell you the name of the party; it was a woman.

Q. What information did they give you ? A Mr. Jones did 222 live there ?—A. They said that a Mr. Jones had lived there and left there last fall; moved into the alley on Eleventh street, between Franklin avenue and Wash.

Q. Did they tell you what his name was, whether it was Dan. or James ?—A. They said he was sometimes called Dan.; that was a nickname.

Q. Did Dan. Jones have any son of the name of Jones ?—A. Not to my knowledge; I don't know of any.

Q. When you went to 1515 Cass avenue, did you make any inquiry for Charles Edward Putor?—A. I did not; no, sir;

Q. You did inquire for Pistor.

WITNESS. Wait one moment. (Witness examining cards.) I did inquire for Pistor. I inquired for both Putor and Pistor.

Q. And you found his name was Pistor?—A. Yes, sir; Pistor.

Q. And if anybody spelled it Putor they made a mistake?—A. The name that was given to me was Pistor.

Q. But you also had Putor's name on the same card to inquire for?—A. Yes, sir.

Q. You didn't find August Rohlfing, number 1426 Monroe, but you did find him somewhere there in the rear, I believe?—A. He had been living there a long time; he lived in the rear of 1426, and lives there still.

Q. What sort of a house is 1426 Monroe?—A. I think it was a brick house; I am not positive; I have seen so many different ones.

224 Q. Is there an alley alongside of it?—A. There is an alley-way, but you can't get back into the alley, I think; I had to go around the entire street to get in there.

Q. Did you go around to the rear of 1426 Madison?—A. No, sir; 1426 Monroe is where I went.

Q. When you went to find August Rohlfing did you not go to Madison street and get into this place that way?—A. I don't think I did that way.

Q. What street was it that you had to go in to get at him?—A. I am unable to tell you, but I got in there, I know that; there is where he resided; I found him in the rear of 1426 Monroe.

225 Q. Did you inquire at 1519 Warren street for H. H. Wobbe, the place that Mr. Gonter and Mr. Walsh says that he was specially registered from?—A. No, sir.

Q. Where did you find him?—A. I found that he had lived at 1514 Warren street.

Q. Now, 1519 was where he registered from?—A. I didn't go to 1519 at all.

Q. But I have him here as registered from 1519 Warren, and Mr. Walsh and Mr. Gonter both swear that he registered from that place; you did not go there at all?—A. I didn't go to 1519.

Q. You went wherever these gentlemen directed you to go on that card?—A. Yes, sir.

Q. Do you know whether there are two H. H. Wobbes around there?—A. I couldn't find but one.

226 Q. You didn't go to 1519 to inquire for one of them, did you?

—A. No, sir; I did not.

Q. Was this man that you found at 1514 Warren street named H. H. Wobbe or H. W. Wobble; which was the middle initial?—A. Mrs. O'Connell says H. H. Wobbe lived there, and that he moved away in December last.

Q. Did you mention those initials to her, or did she mention them to you?—A. I mentioned them to her.

Q. And she stated that Mr. Wobbe was living there?—A. She stated Mr. H. H. Wobbe.

Q. Did you inquire for H. W.?—A. I did not.

Q. You found H. Twellman lived for a number of years at 1627 Sullivan avenue?—A. Yes, sir.

227 Q. Let me ask you if you found anybody by the name of H.

Trollman, or H. Trotman, or H. Trotnan?—A. I found H. Twellman; that is it.

Q. Did you inquire for either Trolman or Trotman or Trotnan?—A. No, sir; I inquired for Twellman.

Q. Was Josiah Wilson on North Market near Jefferson avenue; did you see him there; please examine your cards and see what memoranda you have?—A. No, sir; I did not see Josiah Wilson; I saw his brother Nathaniel.

Q. Josiah Wilson then was not living there when you called there?—A. No, sir.

Q. Did he ever live there?—A. No, sir.

Q. How long prior to your coming there had he moved away?
228 —A. A month ago; moved last month.

Q. When did he move in that house?—A. He had lived there for a year.

Q. Was he a single man?—A. I didn't ask.

Q. Was this a boarding-house or dwelling?—A. I couldn't tell you whether they kept boarders or not; I didn't ask them any such question.

Q. Was it a large or small house?—A. A medium sized house.

Q. What hour of the day were you there at that house?—A. About one o'clock.

Q. Was Josiah Wilson's brother at home?—A. Nathaniel Wilson was there; he said he was Josiah Wilson's brother.

Q. Was he an old man or a young man?—A. He was not a
229 young man by any means.

Q. Did you inquire for Ernest Echloman, 1936 Benton street. Examine your cards and memoranda and answer my question, but please do not take too long at it, because it is a great consumption of time. Did you inquire for any names similar to that? Please hasten with this business.—A. I inquired for that name.

Q. That I gave you?—A. I have as to a party registering as Ernest Echloman, 1936 Benton street.

Q. Did you find any such man there; if you didn't, who did you find there, and how did he spell his name?

WITNESS. [Examining his cards with the assistance of others.]

By Mr. DONOVAN:

Q. Well, since you take three assistants to handle your cards
230 and memoranda and none of them have been able to put your data correctly before you, please to pass the next name, Fred. Le Marx.

(Mr. Pollard, counsel for the contestant, objects to the question, because he never gave any testimony in regard to Ernest Echloman nor of any one residing at 1936 Benton street.)

By Mr. DONOVAN:

Q. Then why did the attorney, Mr. Metcalfe, and the other assistants, Supervisor Wieselhahn, and the witness himself continue to seek for the name in these cards, because if the witness did not seek for that gentleman it is very easy for him to say so.

Mr. POLLARD. I presume it is because the witness and all the
231 gentlemen here heard Mr. Strait give his testimony on that subject to-day.

By Mr. DONOVAN :

Q. Where did you seek for Fred. Le Marx, 1819 or 1817 North Marx?
A. It is on one house 1819, on the other 1817; it is a frame house. I found him in the rear of 1817.

Q. Do you know whom you speak of?—A. Yes, sir; Philip Le Marx.

Q. Did you see a Mr. Albert there, who had been living there for fifteen years, who appears to have been the gentleman that conveyed the information to a party that I sent up to inquire after this gentleman?—A. I didn't ask for any such party. I didn't ask for any Albert. I asked for Mr. Le Marx.

Q. Well, then, Mr. Le Marx has got two numbers, 1817 and 1819?—I went to 1817; I call it that.

Q. And he himself, on the registration sheets calls it 1819, which of you are correct, and his registration number is 438?—A. I think I am correct.

Q. And Mr. Le Marx himself is wrong in putting down 1817?
A. 1817 is correct, yes, sir.

Q. How does it come that you know whether Mr. Le Marx is there better than he does himself, he registering from 1819?—Mr. Le Marx may have made a mistake from the fact that I told you, that is, it is a double house.

Q. Then this gentleman, Mr. Albert, may have lived at 1819, where the informant from the contestee went?—A. That might be; I didn't inquire after Mr. Albert.

Q. Did you find on the south side on Dodier street, between Twenty-first and Twenty-second, Charles Turquens, the name which appears to be on the registration sheet, or did you find Charles Turquois or Turquis?—A. No, sir; I did not.

Q. You didn't find a man whose last name commenced with T, did you?—A. I didn't inquire for any such party.

Q. You found a name similar to that there?—A. Yes, sir; I did.

Q. Which was Jurgens?—A. Yes, sir; Jurgens.

Q. When did Chris. Hannebrinck move to Mallinckrodt street, between Fourteenth and Fifteenth?—A. October last.

Q. In the early part of October or in the latter part of October, or what time in October?—A. I didn't inquire; I was told in October. I asked how long he had been living there.

Q. Where was he living prior to moving to Mallinckrodt street, between Fourteenth and Fifteenth?—A. I don't know.

Q. Do you know whether he was ten days in the precinct and sixty days in the ward in which Mallinckrodt street, between Fourteenth and Fifteenth street, is?—A. No, sir; I do not know. I know he was there in October.

Q. Did you find any man living at the same place by the name of Hannebrinck?—A. I didn't ask for any such party.

Q. If the name of Hannebrinck appeared upon the registration sheets at that place, why did you not seek for him?—A. I don't know that the name appeared on the registration list.

Q. How long before the election was Justus Pfeiffer living at 3509 North 18th?—A. First of November.

Q. Moved there the first of November?—A. Yes, sir.

Q. Do you know what ward he was living in prior to moving to 3509 North 18th street?—A. No, sir; I do not.

Q. Now, he appears upon the registration sheets to be registered from 3509 Davis street, and that is the place to which parties were sent by the counsel for the contestee, did you inquire there?—A. I didn't.

Q. And it is presumed he didn't live there, and therefore they couldn't find him at that place, 3509 Davis street?—A. I presume so.

Q. When did Christ. Ahrens move from 3808 North 18th street?—A. He moved away in December.

237 Q. Are you sure he moved away in December?—A. So says Mrs. Osterhaupt.

Q. Would Mrs. Osterhaupt know about it?—A. She lived there at that number; she gave me that information; I inquired for that man there.

Q. She said she thought it was in December that he moved away from there?—A. She didn't say she thought so; she said he had moved away in December.

Q. Now, Joseph Amzer is specially registered from 3207 North 17th street. The parties sent by the contestee's counsel inquired at that number. Were you successful in finding him at 3207 North
238 17th?—A. I couldn't find Joseph Amzer.

Q. Look at your memoranda and papers, but hasten on; it is in precinct 169. Well, I will give you the information that you gave: have you the card ready; what have you on your card?—A. He had been living there for four years.

Q. You say now that he lives at 3207 North 17th street?—A. No, sir; he lives at 3204.

Q. You, then, didn't find him at 3207, where he is registered from, but you did find him at 3204?—A. Yes, sir.

Q. That is across the street, and further down the street?—A. Nearly opposite.

239 Q. How do you know that August Zemke lived at 1800 Bremen avenue up to the middle of November; who told you that?—A. Mr. Kullerman.

Q. Is Kullerman any relation or employé of this gentleman?—A. I didn't ask.

Q. Are you sure his information was correct?—A. He appeared to be an intelligent gentleman.

Q. Did he keep a record of the removals in his neighborhood?—A. I didn't ask him; I don't know as to that.

Q. Do you suppose that these people generally are interested enough in their neighbors' affairs so as to keep a correct record of the dates on which each one moves from his neighborhood?—A. They are generally pretty apt to know.

240 Q. Do you know the date that your nearest neighbor moved away from you—where you now reside?—A. I don't know that there has any moved.

Q. The last one that moved from your neighborhood, can you swear to the time they moved?—A. If there had anybody moved from there, and I knew it, I would be willing to swear to it.

Q. Well, some people have moved away from your neighborhood; that you know?—A. That may be; I don't know.

Q. Can you give to me the month in which any single party moved who lived in your neighborhood?—A. No, sir.

241 Q. How could Mr.—whatever his name is—tell you the exact date on which August Zemke removed?—A. I don't know his means of knowing; I didn't ask him the question.

Q. Now, when you had no other means of obtaining information you

k the best you could get; you had to depend upon that gentleman's tement for that?—A. Yes, sir.

Q. Now, G. Burs has registered from Eighteenth between Garibaldi l Bremen, and his special registration number is 4131; did you find t gentleman there?—A. No, sir; I didn't find him there; I found 1 on the corner, on Seventeenth and Garibaldi.

Q. When you went to 4025 Kossuth avenue, did you inquire for nry Linenweber, or Heury Linenseber?—A. I inquired for Henry Linenweber.

Q. Well, if the name appears upon the registration sheet as Linensieber it was a mistake; if Linenweber lived there and not ensieber?—A. I found that Linenweber lived there.

Q. But no Liensieber?—A. No, sir; I didn't inquire for no Linenber.

Q. Who did you inquire for at 1323 North Twenty-first street?—A. R. McBride.

Q. Mr. Hardwig reported that gentleman as not known; what infor- tion did you elicit?—A. I found no . R. Mc Bride there, but I nd Theodore McBride living at 1225 Twenty-first, and he has been ing there for several years.

Q. Now, did you inquire at 1223 North Twenty-first for O. R. McBride?—A. No, sir; at 1323 I inquired.

Q. Do you know whether or not Mr. O. R. McBride lived at 3 North Twenty-first?—A. The wife of Theodore McBride said there s no O. R. McBride there.

Q. Where she was living?—A. 1225, or in that neighborhood.

Q. Well, if Mr. Hardwig reported that Patrick Boyle was not known 1418 North Eighteenth street, and the canvassers for the contestee orted that he had been living there for a great number of years, ich of them told the truth?—A. I found Patrick Boyle.

Q. He had been living there for some time, had he?—A. Yes, sir; he s he lived there, but didn't vote.

Q. Now, did you seek for John Barns at 1526 North Sixteenth, e reported by Mr. Hardwig as not known?—A. I did; yes, sir.

Q. You say you couldn't find him?—A. No, sir.

Q. Who did you ask?—A. F. Farrell, the occupant of the house.

Q. Well, did he say that Mr. Barns had made that his home for many rs?—A. No, sir; he didn't know him.

Q. Did he say Mr. Barns moved away from there?—A. He knew one of that name at all.

Q. Did you inquire for John Boras at that same place?—A. I didn't; re was nobody of that name there; I didn't ask for John Boras.

Q. Did he tell you it was not John Burns you were seeking there, but John Boras?—A. No, sir; nothing was said about John Boras.

Q. Now, did you inquire for James Shea at 1615 North Sixteenth et?—A. No, sir.

Q. Did you inquire anywhere in that neighborhood?—A. I went to 6 North Sixteenth.

Q. Do you not know that James Shea does not live at 1316 North teenth, but does live at 1615, in the rear of that house, and has been ng there for four or five years?—A. I don't know where he lives.

Q. But you never went to 1615 to inquire for him?—A. No, sir.

Q. You stated you went to two or three places?—A. Yes, sir; I did in t immediate vicinity of 1316; 1615 would be two squares beyond ere I was walking.

246 Q. But a gentleman that was living there for five years should be known there?—A. Not known in that neighborhood; that was the response that I got.

Q. But you never went to 1615 at all?—A. No, sir.

Q. Although that is the address that the contestee's canvassers found this gentleman at, and swore to?—A. I don't know that.

Q. Now, Mr. Hardwig appears not to have been able to find Ed. Fitzgerald, near the southwest corner of Twenty-eighth and Dickson; could you find him?—A. No, sir.

Q. Did you inquire in the rear of the first door east of Twenty-eighth street, where the contestee's canvasser found him?—A. I inquired at each of the corners, and also at the house built on the alley, running into Twenty-eighth street; I inquired at four places.

Q. Did you inquire at this place that I have named?—A. I did not.

Q. Where the contestee's canvassers found that man living, in the rear of the first door east of Twenty-eighth street?—A. I did not.

Q. Well, you say these cards have been handled by a great many people?—A. No, sir; I didn't say so; I said I didn't know how many people had been handling them.

Q. They are pretty well marked over?—A. No, sir; no writing, except my own.

Q. Is that your writing on this side?—A. That is the number; that is all.

Signature waived.

247½ State of Missouri, to the sheriff of the city of St. Louis, greeting:

I command you to attach Nicholas Berg, register of said city, and his body have before me at the law offices of L. S. Metcalfe, jr., at the southeast corner of Fifth and Olive streets in said city forthwith, then and there to answer for contempt in failing and refusing to be and appear before me with the ballot-boxes used in the hereinafter named and numbered voting precincts of said city at the election held in said city, on the 2d day of November, 1880, and the ballots contained therein and all other ballots cast at said election on said day in the precincts hereinafter named, and in refusing to open the boxes and exhibit the ballots in the above referred to boxes, viz: Precincts No. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 71, 73, 75, 84, 85, 86, 87, 117, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 152, 166, 168, 170, 207, 208, 209, 210, 211, 212, 213, 219, 220, 221, 222, 241, 243, and that you return to me this writ.

Witness my hand and notarial seal, this April 15th, 1881.

[SEAL.]

FRANK KRAFT,

Notary Public, City & Co. of St. Louis, Mo.

Com. expires Mar. 13, 1882.

Executed this writ in the city of St. Louis, on the 15th day of April, 1881, by reading the same to Nicholas Berg, the within-named person, and by attaching his body, and bringing him before the said Frank Kraft, notary public.

ISAAC M. MASON, *Sheriff.*

By WILLIAM McCLELLAN, *Dep.*

Fee, \$1.00.

NICHOLAS BERG, recalled:

By the NOTARY:

Question. Mr. Berg you appear now before me in answer to the attachment which has been issued at the request of the counsel for the contestant to produce here certain ballot-boxes and their contents, more fully set out in the said attachment?—Answer. Yes, sir.

Q. And that attachment further specified, did it not, that you should refer the contestant to inspect it and look over the ballots contained in those boxes?—A. Yes, sir.

Q. The question therefore to be put to you is, whether you propose to do that?—A. No, sir; I can't do it, as I have stated before to-day. I am acting under the advice of the city counselor.

By Mr. POLLARD:

Q. (To the Notary.) Inasmuch as I do not feel, under the circumstances, like pressing the attachment any further, I now ask that the witness may be discharged, since he peremptorily refuses to bring the boxes and to submit to an inspection of their contents. Before acting on that, however, I desire to ask the witness one question.

Q. You are the proper custodian of those boxes and ballots?—A. They are in my possession now, yes, sir.

Q. Where they are safe?—A. Yes, sir.

By Mr. DONOVAN:

Q. Mr. Berg, have you got the subpoena that was originally served on you?—A. Yes, sir.

Q. Will you let me see it?—A. Well, there it is (produces the subpoena); it is a copy that you left with me at my house.

Q. Mr. Berg, there appears to have been an attachment served on you to bring certain ballot-boxes here; do you or do you not refuse to bring the ballot-boxes if it is insisted on?

Mr. Pollard, counsel for the contestant, now objects to any further examination of this witness, inasmuch as he has been discharged in this matter, and was so directed by the court, and it is not proper or competent for the gentleman to examine the witness any further.)

The WITNESS. The ballot-boxes I would bring if it is necessary, but they are so numerous that I would have to get a wagon, and I came here just to state, under that attachment, why I would bring them.

By Mr. POLLARD:

Q. But you do refuse to give us an inspection of the ballots?—A. Yes, sir; I do refuse to have the ballot boxes opened.

By Mr. DONOVAN:

Q. But you will bring them here, if the gentleman insists on having them?—A. Sure and certain, I will bring them if I thought it would be any good; if the gentleman insists upon them, I will bring them, but I refuse to have them opened and examined; that was the understanding.

By Mr. DONOVAN:

Q. You were recently elected city registrar on the Republican ticket, by a handsome majority?—A. Yes, sir.
Q. And are now the registrar of the city of Saint Louis?—A. Yes,

Q. You appear here voluntarily?—A. No, the constable brought me here.

Q. Is there any return made on the back of that attachment?

Mr. POLLARD. We admit it, and it is so stated.

By Mr. DONOVAN:

Q. Is there any return?

Mr. POLLARD. We admit that there is none; he has not had time to make any return yet; we will have it made during the trial.

Signature waived.

253 CHARLES ARNOLD, recalled.

By Mr. POLLARD:

Question. Were you employed to canvass a certain list of names that was handed to you by Mr. Wieseahn, to ascertain whether the people representing those names lived at the places where they purport, on the cards given to you, to be living?—Answer. Yes, sir; I was employed.

Q. When?—A. I couldn't exactly tell the date.

Q. About how long?—A. It was about two weeks, week or two weeks, I guess.

Q. You made that canvass?—A. Yes sir.

Q. And that was in the third Congressional district?—A. That was in the third Congressional district.

254 Q. Now, what degree of diligence did you exercise in making that canvass?—A. I took all the possible care I could; I inquired at the place, surrounding neighbors, corner groceries, barber-shops, bar-rooms, anywhere and everywhere I could.

Q. What is your business?—A. I have been in the shoe business.

Q. Did you inquire for Michael Hennessy, on the north side of Benton, between Jefferson and Twenty-fifth street?—A. I have, sir.

Q. Did you find him there?—A. No, sir, I have not; there is no Twenty-fifth street there, either.

Q. Well, did you make any inquiry in that neighborhood for them?
—A. Yes, sir, I have, in that square, and in the corner grocery, which tells me that he knows everybody; that he knows everybody in

255 the whole vicinity there, and he don't know any such man.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Saturday, April 16, 1881, at the hour of nine o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 53.

Pursuant to adjournment, as above stated, on the 16th day of April, 1881, at the hour of nine o'clock in the forenoon, I continued the taking of these depositions as follows :

Mr. ARNOLD's examination in rebuttal resumed.

By Mr. POLLARD :

Question. What, if anything, did you find out about Tim Mooney, 2 Benton street ?—Answer. There is no such man.

Q. Who did you inquire from there ?—A. Well, the parties in the house, surrounding neighbors, and those.

Q. Now, did you learn where he had moved to, or whether he had ever lived there ?—A. No, sir ; nobody knew anything about him.

Q. What, if anything, did you find out concerning a man named Carr, at 4230 Broadway ?—A. They told me there was no such man in that block at all ; parties that are living there for years.

Q. Did they know where he did live ?—A. No, sir ; nobody knew.

Q. What, if anything, did you find out about the location of James Walsh, who is put at 1417 Wash street ?—A. Well, a man lived there by the name of Ryan ; he lives there at that number for a number of years ; he says he don't know James B. Walsh.

Q. What, if anything, did you learn about a man named John T. or John P. Maloney, 2117 Division ?—A. He is not known to me at all ; a neighbor there by the name of Weiss says he knows nobody there in the block ; he has lived there for a number of years, he said that he wasn't in existence there at all.

Q. What, if anything, did you learn about Jerry Beule ?—A. Is not known.

Q. He is put as living at 2335 Carr street ?—A. He is not known to me, sir ; the landlady told me, sir, and the corner grocery man. I know, generally, everybody there.

Q. What, if anything, did you learn about Pat. Buckley, 1200 Collins street ?—A. Well, sir, I couldn't find No. 1200 Collins street ; in the first place that is an old foundry, an old, dilapidated building, and every one I inquired of didn't know him. I went some four or six houses further up ; that would be about 1208 or 1212. I inquired in all the rooms there, but I couldn't find anybody of that name.

Q. What, if anything, did you learn about Alexander Bonner, at 1126 Collins ?—A. Well, his mother tells me that he went away some time in October, but she couldn't tell me whether it was the commencement of the month of October or not, or the middle ; he works for the bridge. I went out on Grand avenue, but I couldn't find him out there either.

Q. What did you learn about Charles Morgan or Chris. Morgan, 200 Ashley street ?—A. I couldn't find the gentleman there either.

Q. Did you make inquiry there for him in the neighborhood ?—A. I went to 200, and I went to the surrounding neighbors and surrounding places, wherever I could get any information, but I couldn't get any information about him whatever.

Q. What did you learn, if anything, concerning a man named William Lanigan, 1203 Collins street?—A. I couldn't find any such number or any such man.

6 Q. Did you make repeated inquiries?—A. I went around there in the neighborhood, inquired of everybody I could, even policeman, sometimes.

Q. What, if anything, did you learn about a man named Ed. W. King, 1239 Collins?—A. He wasn't known there at all.

Q. Did you make any inquiry of more than one person?—A. I always made of three or four of the surrounding neighbors and anybody I could find in the neighborhood that could give me any information.

Q. What information did you elicit concerning a gentleman named James Downey, living at 1223 Collins street?—A. He left in October; his present residence they don't know.

Q. Who told you that?—A. Parties at the house there.

7 Q. What did you learn, if anything, about a man named Bartley Kennedy, at 1239 Collins street?—A. He is not known there, sir.

Q. What did you learn about Martin Keife, if anything, who is supposed to reside at 1308 Collins street?—A. He used to live there; left there two years ago.

Q. How did you learn that?—A. From Mrs. Dower, the lady there; he boarded with her for some time, but he left two years ago.

Q. What, if anything, did you learn concerning a man named John Malley, at 1303 Collins street?—A. The lady tells me there is no such party there; none has been there of that name for the past five years; she has been living there for five years. I went to the corner grocery store to Fred. Heidecker; he says he don't know anybody of that name, and he knows pretty near all the people around there.

Q. What did you learn concerning a man named Thomas Keife, 1427 Collins street?—A. I couldn't find no such number.

Q. What did you find out about Keife, if anything?—A. I found somebody there that tells me that he went away some time before October.

Q. Went away from where—from 1427?—A. From 1427.

Q. Or 1437?—A. No, 1427; he don't know where he lives now; he lived there somewhere in the neighborhood, and left in October.

Q. State if you made any inquiry concerning a man named William E. Heffernan, residing at 1103 North Seventh street.—

A. I inquired for that party, but I couldn't find the party, sir.

Q. Either at that number or anywhere else in the neighborhood?—A. The grocer, Keifer, tells me he lived there for years and years and he ought to know the man, because it was right alongside of him, if he used to live there.

Q. What, if anything, did you learn concerning Michael Lee, 1221 North Seventh street?—A. I could not find him, sir.

Q. Did you make more than one inquiry for that gentleman?—A. Yes, sir; I generally done so; went around the neighborhood and got all the information I could.

10 Q. State what information you gathered concerning Michael Bunyan, at 1325 North Eighth street.—A. That he used to live there, but went away from there about a year and a half ago.

Q. Who did you learn that from?—A. Parties at the house there. doon't know their names.

Q. What did you learn about Michael Gormley, 712, Ferry?—A. I

ent there, and the lady seemed to be pretty well posted what I came here for; she said at once he left there on the second of November in the evening; that he had left on election evening. I said that was on the last Tuesday of November. No, she said it was not the last Tuesday of November. The party next door says he lives in Milwaukee; he came down here on a visit in the latter part of summer; that he was a glass-blower, and worked in the same place with me. Says I, "Do you know him personally?" Says he, "He worked with him there in the same glass-house." From the lady I couldn't get any information about him.

Q. What information did you gather in regard to James Coyle, 1127 North Twelfth street?—A. Couldn't find him, sir.

Q. Did you inquire there at the house?—A. Yes, sir.

Q. And nobody knew anything about him?—A. Nobody knew anything about him.

Q. What did you learn about Martin Higgins, 1227 or 1229 North Seventh?—A. I went there and inquired of the landlady, and she tells me he left a year ago, him and his son also.

Q. What is his son's name, R. W. Higgins?—A. Yes, sir.

Q. Then you have the same testimony to give about him?—A. Yes, sir; the same testimony about him.

Q. What, if anything, did you find out about Moses Schelt at 1321 North Seventh street?—A. There is no such party lives there.

Q. Well, where else did you inquire for Moses Schelt?—A. Well, sir, around the neighborhood and so on.

Q. What did you learn about John Walsh, 1327 North Seventh street, if you inquired for him?—A. I couldn't find any such party there, the gentleman what lives there tells me that he has lived there for the last ten years and don't know him.

Q. State whether you inquired about a gentleman whose name is given as John Duddy or John Doddy, and as residing at 822 O'Fallon street?—A. He left there some time ago; the party thinks its pretty far a year, or a year and a half ago, they don't know exactly.

Q. What, if any, information did you elicit in relation to a man named E. Byrne, 2107 Carr street?—A. There is no such party there at all.

Q. Did you find him in that neighborhood?—A. No, sir; I didn't find any man by that name, I found a shoemaker on Twelfth or Thirteenth on Biddle by the name of Byron, but he couldn't give me no information about this Byrne at all, I looked all over for

n.

Q. Please state what inquiry you made for Michael Queenan at 2319 Fallon street?—A. I inquired for him, but I couldn't find him there, they don't know him, is not known there in the neighborhood.

Q. What, if anything, did you learn concerning Peter Gebbins 1327 North Seventh street?—A. Couldn't find the gentleman, sir; I inquired of him in the usual manner, went around to the neighbors, wherever I could get any information.

Q. Did you learn where Peter Gebbins lived, whether he lived in that neighborhood or not?—A. No, they don't know, I couldn't find no Peter Gebbins.

Q. What, if anything, did you learn about a man named Laurence Flynn, 1022 North Fifth street?—A. He is not known, sir.

Q. What, if anything, did you learn about John Grady, 1401 North Fifth street?—A. I went there and Mrs. Higgins lives there for some

time; she don't know him; nobody in that neighborhood knows him, they couldn't find him.

Q. State, if you learned anything concerning L. Kavanaugh, 1027 North Fifth street?—A. I couldn't find him, sir; they don't know anything at all about him.

Q. What, if anything, did you learn in relation to Thomas Cullen, 1023 North Fifth street?—A. I couldn't find him, they told me a man by that name used to live up there, but he left there some eighteen months or two years ago, they couldn't tell me exactly how long, 16 but they thought it was in the neighborhood of eighteen months, at least that.

Q. What, if anything, did you ascertain regarding Michael Grady, living in the rear of 1225 North Fifth street?—A. I went there; nobody knows anything about him; I asked there in the same house, it's a shoe store kept by Fred. Wessel, he says he knows everybody there in the neighborhood and that there are some people in the rear of the house, but he don't know any such party.

Q. What, if anything, did you learn about John Harvey, 1228 North Eighth street?—A. I couldn't find any such man.

Q. What did you learn about him, if anything?—A. I couldn't learn anything about him.

17 Q. What, if anything, did you learn regarding Dennis Stanton, west side of Twenty-second street, between Cass avenue and O'Fallon?—A. He lives there at the house for the last eight months; the lady told me what opened the door.

Q. And lives there yet?—A. And lives there yet.

Q. What did you learn about Henry Froelich, at 1102 Broadway?—A. I couldn't find him, sir; nobody knows him there.

Q. Now, in making these inquiries, when you went to the number designated on your card, and no one knew anything about the man there, what further did you do?—A. Well, I went around in the neighborhood and inquired for all the information I could get; bar-rooms, groceries, and barber-shops; generally where men went a good 18 deal and had dealings, and these people that know everybody in the neighborhood, and asked several officers on the beat, and they never know any such parties; if they know it, I reported them as known, if not, I couldn't report them.

Cross-examination by counsel for the contestee, Mr. DONOVAN:

Q. Now, did you inquire at Kavanaugh's saloon for this last gentleman that was mentioned, Henry Froelich?—A. I don't know where Kavanaugh's saloon is.

Q. It is 1002 Broadway; just exactly where you were directed to look.—A. Well, I undoubtedly went in there.

Q. Why, don't you know that that man lives right upstairs at that particular place, and has lived there for years?—A. If I had found any such I should sure have reported him.

19 Q. Is that not the proprietor of that very house, and keeps it as a boarding-house?—A. No, sir; it has a bar-room connected with it. I went in there and parties may have told me that he didn't live there.

Q. Well, you did not ascertain that he was the owner of that property, that he rented out the saloon, and that he kept a boarding-house upstairs?—A. I went to 1102; if it has a bar-room down-stairs I went and asked the man behind the counter undoubtedly, "Was the proprietor in?" If he was there, I says, "Do you know this gentleman?"

And if he said no, I reported him as such. Then I went alongside of the house and said, "Do you know Henry Froelich?" And they said "No."

Q. Did you not ascertain that that man was frequently jocosely called "Shoo Fly?"—A. No, sir.

Q. Did you hear that name mentioned while you were inquiring?—A. No, sir; never heard that name mentioned in my life.

Q. Now, had that man ever lived there?—A. I couldn't find out; I couldn't get any information from him.

Q. But the man that went before you on behalf of Mr. Sessinghaus simply reported that he did not live there on election day; he must have ascertained something about him?—A. I don't know anything about that, Mr. Donovan.

Q. But you went there and couldn't even find that he ever lived there on election day, or that he had lived there previously?—A. I couldn't find the man at all.

Q. Well, now, if it is a fact that that man owns that property, and keeps that boarding-house right there on that spot, 1102

Broadway, what confidence can you have in any information that you received?—A. Well, I couldn't do no more than to go there and inquire.

Q. Did you know the man that you inquired of?—A. I don't know his name.

Q. Was his name Mr. Kavanaugh?—A. I couldn't get the name of these different parties.

Q. Did you find any Stanton living in the vicinity of West Twentieth and Montgomery?

WITNESS. Whether I found any Stanton living there—West Twentieth and Montgomery? I found the man, and the lady told me, as I stated, that he lives there for eight months, or a little over; she couldn't exactly tell me the date; it was an old woman; I don't know whether it was his wife or who it was.

Q. Well, how is it, then, if you found him, that Mr. Hardwig reported him as not found?—A. Well, I don't know nothing about Mr. Hardwig's business.

Q. Now, did you find Mike Grady living in the rear of 1225 North Fifth street?—A. I could not find him there, sir.

Q. You reported that this man Michael Grady—that nobody knows him?—A. Nobody knows him; yes, sir.

Q. Are you willing to stand by that report?—A. Yes, sir; I stand by that sure.

Q. Are you confident that it is true?—A. I am confident that I went all over that row and couldn't find him, and in that same house where he should be a man keeps a shoestore, by the name of Fred. Wessel, and he never heard that name, and didn't know that name.

Q. Were you not in this room yesterday when Mr. Lauff, proprietor of the Saint Lawrence Hotel, who was placed on that witness stand by the contestant, testified, in regard to Mike Grady, that he knew him well, and he lives right exactly where he claims to live, in the rear, and that he lived in the rear of 1225 for a long time, but has moved to Seventh street; did you not hear Mr. Lauff in your presence give that testimony yesterday?—A. No, sir; I didn't hear that.

Q. Then you state positively that you can make no mistakes in regard to that man when the counsel for the contestant himself produces

a witness on the stand who testifies that he knows Mr. Grady, and knows that he lives right at that identical place.

(Mr. Pollard, counsel for the contestant, objects to the question, because it is a misstatement of the fact.)

Mr. DONOVAN. It is not a misstatement of the facts; it is
24 fresh in our memory; it is only three witnesses back. Mr. Lauff was the proprietor of the Saint Lawrence Hotel, and he swore to these facts yesterday on the stand in the presence of this witness.

Q. (To the witness.) Now, why couldn't you obtain the information from him?—A. I don't know Mr. Lauff; I don't know what he testified; I have got nothing to do with his testimony.

Q. But isn't the Saint Lawrence Hotel right on that piece of property?—A. I don't know exactly where it is, whether it is the same piece of property or not; it is in that locality.

Q. Isn't the rear of 1225 right in the rear of the hotel?—A. Well, in front of 1225 on that side is a shoe shop, and I went back in
25 that shoe shop because that is the rear, and I looked all over for the man, and I couldn't find him.

Q. Now, Mr. Tate reported in regard to Michael Grady on behalf of the contestee, that he lived at 1225 rear; that he had lived there some time, and moved to Seventh street. Mr. Lauff, the proprietor of the hotel, of that property, was on the stand yesterday and testified to the same facts. Mr. Lawrence J. Manning testified that he found him there too, but that he had moved four months before; now you report that nobody knew him. Now, how can you reconcile your statement with the testimony of Mr. Tate, Mr. Manning, one of the contestant's own witnesses, and Mr. Lauff, the proprietor of the hotel, and another one of the contestant's own witnesses?—A. I have got nothing to do
26 with any other gentleman's report; I went there and looked for Michael Grady, and I couldn't find him; they didn't know him.

Q. Now, is the same confidence to be placed in all the other reports that you have made?—A. I think there is the same to be placed in my returns; I inquired there and I couldn't find him, and if twenty-five other people tells me that they know him I will believe more in myself than in anybody else.

Q. Are you right or wrong in regard to Michael Grady?—A. No, sir; I am right.

Q. Notwithstanding two of the contestant's own witnesses found him right at that place, and one of the contestee's witnesses found him at the same place?—A. He might be mistaken.

Q. Who might be mistaken?—A. All the balance of them.

Q. Was this witness of the contestant, the proprietor of the
27 hotel, mistaken in what he testified about here?—A. I don't know anything about it.

Q. Well, Mr. Arnold, do you not fear that there is but very little confidence to be placed in any information that you have obtained in regard to any or all of these gentlemen that you have now testified about?—A. Well, Mr. Donovan, I don't know anything to state about it, so I can't give you my opinion about that.

Q. Are you endeavoring to bolster up these other canvassers where you find it would be to their advantage?—A. No, sir; I don't think I would.

Q. Is one bolstering up the other?—A. I don't know anything at all about that, sir, only I was sent out there to get information of those names, and that is all I was looking for.

28 Q. You still hold that you are not mistaken about this, although the contestant has proven that they have found the man?

—A. Yes, sir.

Q. Now, what did you find in regard to Thomas Cullen, 1023 North Fifth street?—A. Parties there told me they didn't know him, but somebody else told me, which says he knows him; he lived there some year and a half ago, or it might have been a little more and so on ago.

Q. Now do you know H. Gruenewald, a barber, who was a judge of election?—A. I don't know him, sir.

Q. Did you inquire for him at 1023 North Fifth?—A. I inquired at 1023; yes, sir.

Q. Do you not know that it is he that rents the rooms upstairs?—A.

I don't know, sir, whether he rents the rooms or anybody else; I

29 never inquired for that.

Q. Do you know H. Gruenewald is a first-class Republican, a judge of election, and that he stated that this man did live at that place, and had lived there on election day?—A. I don't know anything at all about that, Mr. Donovan.

Q. And that Mr. Gruenewald is the proprietor of the house?—A. I don't know that even.

Q. Why didn't you endeavor to make your investigation more full?—

A. Oh, I can't inquire who owns every house.

Q. But Mr. Gruenewald is the proprietor of that house, has a barber shop there, is there all the time; now, why didn't you inquire from him?—A. Well, I don't know but what I inquired from him. I inquired of parties there at 1023 North Fifth, whether it was Gruenewald, or who it was I don't know.

30 Q. Now, don't you know that L. Kavanaugh, at 1027 North Fifth street, keeps a saloon right on the southwest corner of Fifth and Carr?—A. I don't know that, sir.

Q. Were you industrious in endeavoring to obtain information in regard to these parties?—A. Oh, undoubtedly; that is what I went out for.

Q. Now, the canvassers for the contestee report that this man has been living there for four years.

WITNESS. At 1027?

COUNSEL. Yes; and keeps a saloon on the corner of Fifth and Carr. You couldn't ascertain that?

A. No, sir.

Q. Well, now, it appears that you say that John Grady is not known at 1401 North Sixth; is that a fact?—A. Yes, sir.

Q. You inquired at 1401 North Fifth, and not North Sixth?—

31 A. North Sixth, sir, it was.

Q. Well, now, who did you inquire of?—A. Mrs. Higgins, for me; I couldn't take the other names. I inquired of several of them there.

Q. Did you go to the grocery store right above?—A. I think I did.

Q. What did they tell you?—A. They don't know him.

Q. Now, did you call for the landlord there?—A. No, sir; I don't think I did call for the landlord.

Q. Now, did you go to the front or rear to inquire for that gentleman?—A. I was in both places.

Q. And you couldn't find out anything about him?—A. No, sir.

Q. Although other of the contestant's canvassers did find out something about him?—A. I suppose they did.

32 Q. They may have struck a different set from what you did!—

A. Undoubtedly.

Q. Do you know Mr. Deering, the proprietor of the house?—A. I do not; I don't know him.

Q. Well, if such a man was living there, wouldn't he be apt to know?—A. I don't know that.

Q. Now, couldn't you find out anything about Lawrence Flynn in the neighborhood of 1022 North Fifth?—A. I couldn't find anything of him; no, sir.

Q. Now, did you inquire at 1102 and 1104 North Fifth street, right in the immediate neighborhood?—A. No, sir.

Q. Where he works?—A. No, sir; I didn't inquire there; I inquired at 1022 North Fifth, and on Fifth street, up and down the street there, and they didn't seem to know him.

33 Q. Well, if the man had been working in the next block for two years past, he ought to be known up there by somebody?—A. He ought to, sir; yes, sir.

Q. Now, you inquired for Peter Gebbins, at 1327 North Seventh, but did you inquire for him across the street at 1320—for that gentleman: did you inquire?—A. I did not inquire at 1320.

Q. Did you inquire anywhere else?—A. I inquired at 1327, and, I guess, alongside of them houses there.

Q. But you didn't inquire anywhere else in that neighborhood?—A. In the neighborhood, certainly.

Q. Well, if that man had been living upstairs at 1320, immediately across the street from 1327, isn't it likely that somebody would know him?—A. Perhaps they would; I don't know anything about that.

34 Q. Did you inquire at the corner grocery?—A. Undoubtedly: that was generally the point I made for.

Q. Did you in this particular case go there?—A. Yes, sir.

Q. What is the name of the corner grocery?—A. I don't remember: I didn't put down the names.

Q. Did you inquire at the grocery store between Cass avenue and O'Fallon, kept by a man named Gebbins?—A. I don't know whether I did or not.

Q. What information did you obtain in regard to Michael Queenan, in the neighborhood of 2319 O'Fallon street?—A. I couldn't find the gentleman.

Q. Was it 2319 that you inquired at?—A. Yes, sir.

Q. What information now did you obtain in the neighborhood regarding that gentleman?—A. They didn't know him.

35 Q. Nobody?—A. Nobody.

Q. Would it surprise you if the man lived right in that same block now?—A. Well, I don't know whether it would surprise me or not; I went to look for the man.

Q. Now, do you know that this man lived in a house which was number 2319, and was taken up bodily and moved on rollers a little this way where the number would probably be 2309, and the house that was moved is there now, and the man is in it?—A. I don't know nothing at all about it, you know.

Q. Now, if an honest gentleman by the name of Mr. Jones came here and detailed to us that he found Mr. Michael Queenan, that his house

36 was 2319, but was placed upon rollers and moved to a location which would be about 2309, right on the same block and in the same vicinity, isn't it probable that you didn't strike the proper informant?—A. I don't know whether I did or not; I inquired of every-

ly in the neighborhood, and at that place there, and they didn't know him.

Q. You didn't find any 2319 at all unless you found it on this man's case?—A. I found 2319 O'Fallon street.

Q. What sort of a house is it?—A. I don't remember.

Q. Was it a new house?—A. I couldn't tell you.

Q. Was it an old house?—A. I couldn't tell you what sort of a house was.

Q. Was it a house that was built on the site of this house that was moved from there?—A. I couldn't tell you, sir; I don't remember what house it was.

Q. Well, now, you couldn't go about seventy-five feet to inquire for Michael Queenan, but in regard to J. E. Byrne, you went from twenty-first to Twelfth street to obtain information in regard to him? A. I saw a sign there—a shoemaker sign, with Byron on it, and I went in there and asked him, "Do you know a namesake of yours on twenty-first and Carr, or in that locality?" That shows that I went to work carefully.

Q. But you didn't go to work very carefully in the case of Michael Queenan, where, instead of being ten blocks away he was only about twenty-five feet?—A. If everybody around there tells me they don't know anything about him, why—

Q. Very well; would people on Twelfth and Biddle be likely to know people that lived ten or twelve blocks away?—A. It was a namesake of his and he might accidentally know him. I only asked for a namesake.

Q. Did you go to 2007 Carr, at all?—A. I did; I was there.

Q. Now, how far did John Doddy move away from 822 O'Fallon?—A. I don't know how far.

Q. Don't you know that he moved to just a corresponding number on Seventh street?—A. I don't know that, sir.

Q. It is in the same precinct, isn't it?—A. I don't know.

Q. He removed from 822 to 722, right on the next block?—A. They didn't tell me anything about that at all. I don't know.

Q. Well, you couldn't find out anything about Martin Higgins, at 27 or 1229 North Seventh street?

WITNESS. Anything about what—Martin Higgins?

COUNSEL. Yes; or R. W. Higgins.

A. Yes, sir; I found out something about those parties.

Q. What did you find out?—A. That landlady told me—Mrs. Mansides—that they are gone from there a year or over ago.

Q. Are these gentlemen father and son?—A. Yes, sir; that is what she told me.

Q. Well, the canvassers for the contestant previously reported that they were not known; how can you report that they are known?—A. I don't know anything about the balance of the reporters at all; they may do what they want to.

Q. Now, did she tell you that they moved a year ago, or that they moved about the first of this year?—A. No, sir; a year ago or longer; at least a year ago, she told me.

Q. Not the first of this year?—A. Not the first of this year; no, sir.

Q. Well, now, if she informs one of the canvassers for the contestant that the gentlemen moved the first of this year, and she tells you that they moved a year ago, which of these statements are to be be-

lieved?—A. Mine, undoubtedly; because I paid particular attention to it.

Q. Where was the landlady located?—A. It is a double house going on this side; in other words, it is on the east side of the street; the door is to the left of the front of the house, and those Higgins used to live in the rear there, so they told me—showed me the rooms yet where they had lived in.

Q. Were there porticoes around the lady's door?—A. I didn't see any porticoes.

Q. Well, then, you probably have met some person that
41 was not the landlady?—A. Oh, no, sir; it was the landlady; because the lady across the street she told me that she lived there nine or ten months, and didn't know those parties; she says go in there where the landlady lives, she can give you all the information you need.

Q. Now the landlady's door has porticoes around, and has a place that is fixed up to go in there?—A. Well, I didn't went in the front door. I went in on Seventh street. I went in the gangway and struck the door to the left diagonally across from the room.

Q. Was there oil-cloth on the dining-room floor?—A. I didn't look for any oil-cloth; there might have been.

42 Q. Do you know how many Mike Gormlys there are in this city?—A. Oh, no, sir; I do not.

Q. Did you inquire for the one living at 1023 Biddle, or for the one living at 712 Ferry street?—A. I called for the one living at 712 Ferry street.

Q. You couldn't find out anything about him?—A. Yes, sir; I did; the lady at the place told me that he left on the second of November. No, she says, he left on the evening of the election; that's it.

Q. Did she not also tell you that he was driving a street-car?—A. No, sir.

Q. Couldn't find out anything about Michael Lee, 1221 North Seventh?—A. No, sir; I couldn't find out anything about him at all.

43 Q. Do you not know that that gentleman is living in the rear there, and has been for five or six years?—A. If I had known that I would surely have reported that.

Q. Who did you ask there?—A. The parties at the house, next door, and wherever I could gather any information; I don't know the parties, names.

Q. Did you go in the rear?—A. I went in the rear, undoubtedly.

Q. Undoubtedly, but did you go there?—A. I mean I went there.

Q. You are now judging from your habits that you made a thorough search?—A. Yes, sir.

Q. And it is from your impression in that regard that you say that you undoubtedly went in the rear?—A. Because I went there all
44 the time, in every case, if there was a rear building; I went there, certainly.

Q. And you couldn't find out anything about him?—A. No, sir.

Q. Although the canvassers of the contestant went and found him? WITNESS. Did they?

Q. And made a report in regard to him?—A. Yes, sir.

Q. Now, did you both strike the same informant?—A. I don't know whether he did or not—whether we did or not.

Q. How is it that the other man finds that he lives there?—A. I can't tell you, sir; I couldn't find him there.

Q. Now, what did you learn in regard to William E. Heffernan,
45 1103 North Seventh?—A. I couldn't find him, sir.

Q. Well, now, if both the letter-carrier and one of the contestant's canvassers found him, is this not another case where you have to depend entirely upon the reliability of your informant?—A. I depend altogether upon myself, sir; if I don't find him, that settles it.

Q. Is he not living there, and acts as a bar-keeper for the parties with whom he lives?—A. I don't know who lives there, or anything about him; I couldn't find him at 1103 North Seventh, and then I went to the grocery store, and they don't know nothing of him there.

Q. Didn't they tell you something about him?—A. No, sir; they said they don't know him.

46 Q. Didn't they tell you that he moved to that place in the fall of 1878?—A. They don't know him at all; I couldn't find no such name or anybody that knows such name.

Q. What does the house look like?—A. I don't remember, sir; if I should tell you all that, I would never get through.

Q. Do you not have to go up a pair of stairs to get into the house?—A. I don't know, sir.

Q. Did you go into the basement?—A. I don't remember.

Q. Who did you see?—A. Well, some one at the top there; somebody there talked to me, some lady, I don't know who it was; I went to the corner grocery and inquired for him, and I asked some of the neighbors.

47 Q. It is very strange that four or five people have obtained information in regard to the gentleman, and that you couldn't find out anything about him?—A. That is so.

Q. And several of these gentlemen were of the contestant's witnesses; you think that is strange, don't you?—A. Yes, sir.

Q. You don't think it reflects upon their industry?—A. Not a bit; I go to your house, and I do not find that you live in that house, and seventy-five other people say that you do live there, I will say that you do not live there.

Q. But you are moving these people away without knowing anything about the reliability of your informants?—A. I don't know anything at all about that; I don't know, sir.

48 Q. Will you accept an invitation from me to go and see that gentleman at that place?

WITNESS. Which gentleman?

COUNSEL. William E. Heffernan.

A. No, sir; I haven't got time this morning; I don't want to go all over that street any more.

Q. Now, in regard to Thomas Keefe, 1427 Collins street, what is your answer about him?—A. I looked for him at 1427 Collins street, and I couldn't find him there, sir.

Q. Did you find him anywhere about there?—A. No, sir; I couldn't find him.

Q. Did you go to 1437 Collins street?—A. No; I don't think I did.

49 Q. That is on the same block, isn't it?—A. I do not know, indeed.

Q. Isn't 1427 and 1437 in the same block?—A. Yes, sir; that is in one block.

Q. If he was living at 1437 Collins street, then you didn't make a very elaborate inquiry for him?—A. Well, may be I didn't, at that

place, may be there was nobody at home. I stepped into one house further; I don't remember the house numbers that I have been into.

Q. When did Martin Keefe, according to your information, move away from 1308 Collins street?—A. Well, they told me some time before October, they couldn't give me a definite date.

Q. Well, October, 1880?—A. October, 1880.

50 Q. Did they say October, 1880, or January, 1881?—A. No, sir; they spoke about October; they said before October.

Q. Before last October?—A. Yes, sir.

Q. Well, counsel for the contestant says, "He has got this thing mixed up," have you got it mixed up?—A. I don't know anything about mixing things up; you spoke about Thomas Keefe.

Q. And your information was that such a man moved away from there the first of this January or rather he moved away this last October?—A. That is the information that I got.

Q. You are talking now about Martin Keefe?—A. Yes, sir; about Martin Keefe.

By Mr. POLLARD:

51 Q. Martin or Thomas?
WITNESS. Thomas Keefe.

By Mr. DONOVAN:

Q. When I had asked you all about Thomas Keefe, you answered that he didn't live at 1308 Collins street, but lives at 1408 Collins street; I asked you that sometime ago; now I am speaking about Martin Keefe?—A. I looked for him at 1308 Collins street; he is boarding with Mrs. Dower there; she tells me he left there two years ago.

Q. So then, you did have these things mixed?—A. You was talking about Keefe and after that you jumped off from one to another Keefe.

Q. I am calling him just in the order in which you were asked for them in the direct examination, my dear friend? Well, you
52 couldn't find out anything about Bartley Kennedy, at 1239 Collins street?—A. No, sir; I couldn't find anything at all of him.

Q. Now, did you inquire in the rear there, just where he lives?—A. Well, I was in the rear of course; they said they don't know him.

Q. That is according to your general rule, you were in the rear?—A. Yes, sir; and in the front I went first, and if I couldn't get any information there I would search further in the rear and the side houses, and so forth.

Q. And if he lives there, then you were misinformed?—A. I don't think he lives there because they undoubtedly would have told me so.

Q. Well, when did Edward W. King move away from 1239
53 Collins street?—A. I couldn't get no information about him at all; I don't know whether he ever lived there.

Q. Well, if the information was given to other people that he lived at that place up to the 11th of November, 1880, then you must have struck a different informant?—A. Undoubtedly.

Q. What did you find out about James Downey?—A. He left in October; they don't know his present residence in October, 1880.

Q. He left in October; that's your report?—A. Yes, sir.

Q. So the man was there, this man had been living there before October?—A. Yes, sir.

Q. How can you understand, then, that Joseph Golby should
54 simply content himself with reporting that he was not known; and another canvasser by the name of Hardwig also reported that he was not known; and a letter carrier reported that he had moved

y one year; while John A. Hyde reported that he had moved before tion; now here are four different reports regarding the same man, that he is not known; one that he moved just before the election, the other that he moved one year ago, by the letter carrier, did you strike the same informant?—A. I don't remember whether I did or; I only reported of him what information I received.

Q. Well, your informant told you that Alexander Bonner moved away from 1126 Collins street in October?—A. Some time in October, she was not sure whether it was middle or commencement, that is the gentleman's mother, the lady, there.

. But whether it was the end or whether it was the middle of November she didn't know?—A. No, sir; she didn't know anything of that; she said he left some time in October.

. Was she any way related to the gentleman there or had any business with him?—A. She was the mother of the gentleman.

. An old lady?—A. An old lady.

. Didn't you find Patrick Buckley living on the southwest corner of Biddle and Collins, which would answer to the number 1200 Collins street, although the number might not be there?—A. I couldn't find anything of the gentleman at all, sir.

. You didn't find the number 1200?—A. No, sir; I didn't find that number even.

. But did you go to the southwest corner of Biddle and Collins, which is where 1200 ought to be located in that vicinity, and did you inquire for that gentleman?—A. Well, I was all around the neighborhood; I was at that place.

. Did you go to the southwest corner of Biddle and Collins?—A. I don't know whether I was there or not; I was in one corner that was a boarding-house, and I inquired there whether they knew this man; but I don't know any more exactly which corner it was.

Q. Now, you say there was no such man in the block as John Carr, 4230 North Second street; did you inquire in the alley on the north side of Ferry, between Second and Broadway?—A. I was there inquired of most everybody.

. I ask you, did you inquire in the alley on the south side of Ferry, between Second and Broadway, for John Carr, whose number was on card as 4230 North Second?—A. No; I don't know whether I been there or not; I been there in those places and inquired all among the neighbors, but I don't know no more whether I been on Ferry street or not; I am pretty sure in this block I was, because I looked down here, "not to be found in this block."

. Now, did not Tim. Mooney board at 1912 Benton street?—A. No, sir; I couldn't find no Tim. Mooney there.

. Were you comparing notes with these other canvassers?—A. No, I was not.

. Have any of them solicited you to back up their reports?—A. No, no, sir; I wouldn't have done that there under no circumstance.

. Do you think that you can be mistaken in regard to the truth of any of these reports that you have received and have been testifying to?—A. I don't know how to answer that question; if I get such a card to go and look for that man I went and looked for

. But what degree of confidence have you in your own testimony?

. I have all the confidence in the world; if I go and look for a person and I can find him there is no doubt about it whatever in my mind, know.

Q. When three or four people on behalf of the contestant find a gentleman like Michael Grady, and give the report where he lives and how long he has lived there, you report that you couldn't find out anything about him, musn't there have been trickery about it somewhere?

60 —A. I don't know anything about that; I only attended to my business, and that settles it.

Q. Now, I want to know how you attended to your business; what degree of confidence you have in your informants that you may have run across?—A. I have all the confidence in the world.

Q. You have unbounded confidence in people that you have never met before?—A. I don't see why persons should tell me a story about it; when I come to the house they can tell me if he lives there or if he don't.

Q. Don't you know that this district has been plowed up and
61 plowed down until the people are perfectly sick of answering questions and will put them off with any sort of an answer?—A. That might be.

Q. Hasn't that been your experience?—A. No, sir; I talked polite to them and I always got a polite answer.

Q. Did you have any of them set dogs on you?—A. No, sir, no, sir; I keep a half dozen of hunting dogs myself.

Q. Did any of these women threaten to throw slops on you?—A. No, sir; some of them invited me to take a cup of coffee with them as polite as they could be.

Q. Isn't it a fact that these people have been bothered to death
62 by those canvassers asking them all sorts of questions?—A. Honestly, Mr. Donovan, I don't know if they have been; I don't know.

Signature waived.

63 Mr. LEE was then called.

(This witness was sworn on yesterday, but not examined.)

By Mr. POLLARD:

Question. What is your name?—Answer. Obadiah S. Lee.

Q. Where do you reside, Mr. Lee?—A. 1116 Montgomery.

Q. What is your business?—A. Moulder and mechanic.

Q. How long have you lived in the city of Saint Louis?—A. Ever since 1853.

Q. Mr. Lee, were you on Friday night preceding last November election at or near Cook's saloon, which is situated on the corner of Main and Mullanphy?—A. Yes, sir; I was there in the evening about half past six o'clock, probably quarter of seven.

Q. Was there at that place that night a Democratic meeting?—A. There was a crowd there in the saloon.

64 Q. For the purpose of having a Democratic meeting?—A. That is what it was; there was a club there organized; that was their headquarters.

Q. Mr. Lee, do you know what precinct that was in?—A. I do not, sir.

Q. Is that place, Cook's saloon, on the corner of Main and Mullanphy within that territory bounded on the east by the Mississippi River, on the south by Florida street, on the west by Broadway, and on the north by Webster street?—A. Yes, sir; it is within them boundaries.

Q. Now, Mr. Lee, did you or did you not hear any expressions from the crowd there assembled that night concerning the action which they

would take about negroes voting in that precinct at the then coming election; and, if so, what were they?

55 (Mr. Donovan, counsel for the contestee, objects to the question, for the reason that it is wholly and totally irrelevant and incompetent. We are not responsible for the parties that attended a Democratic mass-meeting, and don't know who they were nor where they come from, and we pay very little heed to their declarations or their intentions after they may have exhilarated on a small quantity of beer.)

A. Yes, sir; I did. I heard a conversation.

By Mr. POLLARD:

Q. What was it?—A. Well, the way it happened was that they were talking about what chance Sessinghaus would stand. One man says there is a gang of negroes around these polls; he says they will all vote for Sessinghaus; and one of them says, "I will be G—d d——d if they do; not a G—d d——n nigger can vote at these polls unless he votes for Frost."

86 Q. Was there anything said by the other members of the crowd; did they assent to that proposition?—A. Two or three said, "You bet your life we run these polls."

Cross-examination by counsel for the contestee, Mr. DONOVAN:

Q. Is that all the bar-room gossip that you heard on that subject?—A. Yes, sir.

Mr. DONOVAN. You may be excused, Mr. Lee.

Signature waived.

7 EDWARD WIEHMANN, produced, sworn, and examined on the part of the contestant, deposeth and saith as follows, to wit:

By Mr. POLLARD:

Question. What is your name?—Answer. My name is Wiehmann.

Q. Where do you live?—A. Eighth and Morgan. I live on Eighth and Carr. I work on Eighth and Morgan.

Q. You say you work as a clerk in Mr. Belker's grocery, on Eighth and Morgan?—A. Yes, sir.

Q. How long have you been there?—A. About three years.

Q. Do you know a colored man by the name of Thomas Gross?—A. Yes, sir.

Q. And another man by the name of John McGee?—A. Yes, sir.

Q. How many clerks are there at this store?—A. Two clerks.

8 Q. What is the other man's name?—A. He is the main clerk.

Q. What is his name?—A. Johnny Claegert.

Q. And you are the only one there whose name is Edward, are you?—A. Yes, sir.

Q. Did you hear a conversation between John McGee and Thomas Gross, which occurred there two or three or four weeks ago, concerning the fact of McGee's having testified in this case?—A. No, sir; I did not.

Q. Well, did you have any conversation with McGee on that subject about that length of time ago?—A. I had no conversation with him at all, but right after he had been down to Fifth and Olive he told me he was going to go down there and get a dollar. He says I got my dollar for the trouble I had. That is about all he was telling me.

Q. Tom Gross was not in there at the time?—A. Nobody was there but me and a young man by the name of Daniel Cleary.

Q. Now, did Tom Gross ever in his life hear any conversation in your presence with McGee concerning McGee's testifying in this case?

—A. Not to my recollection.

Q. Well, that is all that McGee said, was it?—A. That was all I heard.

Q. He did not in that conversation, did he, say that he was coming back to get another six bits or dollar?—A. No, sir.

Cross-examination by counsel for the contestee, Mr. DONOVAN:

Q. At this conversation that McGee had with you, at that one
70 Gross was not present?—A. No, sir.

Q. Are McGee and Gross in the habit of going in the store frequently?—A. Yes, sir.

Signature waived.

71 PETER PHELPS, produced, sworn, and examined on the part of the contestant, deposeth and saith as follows, to wit:

By Mr. POLLARD:

Question. What is your name?—Answer. Peter Phelps.

Q. Where do you live?—A. I live on Warren street, between Ninth and Tenth.

Q. How long have you lived there?—A. I been living there going on three years in the same building; not in the same rooms that I am, but it is altogether in the same building.

Q. In the same house?—A. Yes, sir.

Q. Which side of Warren?—A. On the right-hand side.

Q. On the the north side?—A. Yes, sir; on the north side.

Q. And you have been living there, you say, for how long?—A. Been living there for three years.

72 Q. Have you got a family?—A. Yes, sir.

Q. Did you register and vote there from that place last November?—A. I registered at the polls; yes, sir.

Q. And gave that as your address, north side of Warren?—A. Yes, sir.

Q. And voted there?—A. Yes, sir; I did.

Cross-examination by counsel for the contestee, Mr. DONOVAN:

Q. How long have you been living in the city?—A. Been living going on three years.

Q. How often have you voted in the city?—A. I never voted before in my life in this city. I have been working in the city off and on for five years; last fall was the first time I have voted.

73 Q. How old are you?—A. Twenty-seven; twenty-six or twenty-seven; I don't know the date exactly.

Q. Whereabouts did you state that you resided?—A. On Warren street, between Ninth and Tenth.

Q. Which side?—A. On the north side.

Q. Do you live in the front or rear?—A. In the front, but you have to go in a little alley way to go to my house; my brother-in-law, he lives right down under me.

Q. Is that a public alley that you have to go through to get to your rooms?—A. Yes, sir.

Q. And then you go upstairs?—A. Yes, sir; what do you mean by public alley, big alley?

COUNSEL. Big alley or small.

A. No, sir; it is just a small alley.

74 Q. Which way does the alley run?—A. It runs this way, east and west, I call it; that way.

Mr. POLLARD. That is right.

By Mr. DONOVAN:

Q. Do they run west; don't they run north and south?—A. There is none runs that way; not in that block.

Q. I mean in the block?—A. Yes, sir; in the block they run north and south.

Q. Now, you state it was on the right-hand side of the street; right-hand side of the street going which way?—A. Going this way; going west.

Q. How many people live in that same house?

WITNESS. How many colored families?

COUNSEL. Yes.

A. There was only three there at the time of the election.

Q. But I mean here recently; how many colored families live there?

—A. There is four families living there.

75 Q. How large a house is it?—A. I couldn't tell you exactly how long it is.

Q. Is it a tenement house?

Mr. POLLARD:

Q. How many rooms are there in this house?—A. Every family has no rooms; there is eight rooms.

By Mr. DONOVAN:

Q. And how many rooms are in the front, down-stairs?—A. There is ur down-stairs, I guess.

Q. And how many upstairs?—A. And four upstairs.

Q. Do you know who lives down-stairs?

WITNESS. Where, underneath?

COUNSEL. Yes.

A. My brother-in-law, Thomas Edwards.

Q. Who else?—A. Lawton. I don't know his surname.

Q. Is that a white or colored man?—A. He is a colored man, 6 and another man by the name of Ales—William Ales; and one has moved there about a month ago. I don't know his name.

Q. He is a stranger to you?—A. Yes, sir; he is a stranger to me?

Q. Is it in a big row of two-story houses?

WITNESS. In a big row?

COUNSEL. Yes.

A. Yes, sir; it is just a middle-sized house.

Q. And there is a long row of them there?—A. Yes, sir; there is a ng row of them there.

Signature waived.

7 JOHN MCGEE recalled in rebuttal.

By Mr. POLLARD:

Question. You have been sworn in this case before?—Answer. Yes, 1r.

Q. Do you know a colored man by the name of Thomas Gross?—A. es, sir; I know him.

Q. Do you know a colored man by the name of Jesse Woods?—A. Yes, sir; what deals monte, and gambles, and got pulled.

By Mr. DONOVAN:

Q. Did Mr. Pollard ask you that question about Woods?—A. No, sir.

Q. Why did you go on and make a speech, then, without Mr. Pollard asking you a question?

Mr. POLLARD. I object to that question and instruct the witness not to answer the question until I am through.

78 Q. Did you ever have any conversation with Thomas Gross near Belker's grocery on Eighth and Morgan?—A. No, sir.

Q. Never any at all?—A. No, sir.

Q. Did you ever tell Thomas Gross at that place, or any other place, that you had not only testified once in this case, but was going to testify a second time?—A. No, sir.

Q. Did you ever tell this man Woods that you had ever testified more than once in this case, or that you were ever going to testify more than once in this case?—A. No man didn't speak to me about those things; we had a conversation about six months ago, and he said he didn't recognize me and so I didn't speak to Woods at this time.

78 Q. As a matter of fact, you never have testified but once before?—A. But once before in this case; I don't have time to fool around in this case; it is the most foolish thing I ever did in my life; I can't fool my time around in this way; I haven't got time to do that.

Q. And when you were on the stand you testified to nothing except what was right?—A. As nigh as I could, that is all.

Cross-examination by counsel for the contestee, Mr. DONOVAN:

Q. You say you never spoke to Thomas Gross in the grocery store of Mr. Belker?

Mr. DONOVAN. I now object to counsel, Mr. Metcalfe and Mr. Pollard, in one breath instructing the witness how to answer the question.

80 Mr. METCALFE. Neither Mr. Metcalfe nor Mr. Pollard have instructed or intimated to the witness how he should answer the question.

Mr. DONOVAN. If the committee could hear your remarks that you are making in the presence of the witness, they would think differently.

Q. (To the witness.) Has not that gentleman been speaking to you, that gentleman who is sitting there at that desk, (indicating Mr. Metcalfe)?—A. Yes, sir; but he is a man that never talks to me except on business; he asked me if I had voted, and then what my name was; I told him I am a working man, and don't ask me no funny questions.

Q. Do you say that you ever met Mr. Gross in that grocery store?—

A. Yes, sir; I think he came in there every morning to get a drink; that is, when Mr. Ed was away or asleep, I have to clean up, and I have to wash up, &c., and because I guess I gave him a drink if he asked for it; he didn't talk with me.

Q. How often have you met Mr. Gross in this place?—A. He has been in town all winter and all summer; he never was out of town.

Q. And how often have you met him in that place?—A. He may have come up every morning, and got a drink just as I might come in if I got through my work after dinner.

Q. So he didn't come in every day?—A. Yes, sir; every morning or every day.

Q. And has been doing that for a long time past?—A. Yes, sir.

82 Q. And you have been there waiting on him?—A. Yes, sir; in the morning, and if I happened to be behind the bar, the bar-keeper, he allows me to give them drinks and so on while he is waiting on his customers in the grocery store.

Q. Has he come in there with others, or been present while there was a little knot of people there?—A. Not that I recollect of.

Q. When he was there he was there alone?—A. Sometimes he fetched in men and gave them a drink; I never gets in such foolishness like that.

Q. He was well known to two or three others there and they talked to him; did you talk to anybody else in his presence?—A. No, sir.

Q. Never had any talk at all?—A. No, sir; not that I recollect of.

83 Q. Well, is it likely or not that you had?—A. I don't know that I had.

Q. You never had any talk before him?—A. No, sir; not that I recollect.

Q. Or with anybody else before him?—A. No, sir.

Q. While he was there?—A. Not that I know of.

Q. You never, then, talked to anybody else at any time—

WITNESS. You mean this young man?

COUNSEL. That is, that young man.

A. That young man, he was here just now, I talked with him.

Q. Who is that?—A. Mr. Ed.; that is what I call his name.

Q. You washed out the saloon for him, and have been doing that for all winter, and don't know his name?—A. His name is Johnny, his name is Johnny—

84 Q. You are talking about another man?—A. I know he is living there.

Q. I asked you what his name was, this man that you have been working for all winter.—A. I can't call his name; it is Charlie, or something; I don't know his wife's name either; I hope the Lord may kill me if I do.

Q. Yet, whenever Mr. Gross was there with two or three people in the saloon, you religiously kept your mouth shut; is that what I am to understand?

WITNESS. Me?

COUNSEL. Yes.

WITNESS. You want me to keep my mouth shut now.

Q. What did you have to say about testifying in this case?—A. Well, I was about half drunk one night, and I went up, and I was telling—I was passing by Olive street—and I said I didn't vote, and I told Mr.

Ed. that I went up there and told them that I didn't vote, and 35 that they give me a dollar; I said that for a joke more than anything else; I was in there with Mr. Murphy; I went up and told him that I had testified; I told him, I say, that they give me a dollar; that they didn't give me seventy-five cents. Mr. Ed. laughed at me; I told him I didn't vote at the polls, and I didn't, either.

Q. What else did you say to Mr. Ed.?—A. I didn't say nothing else to him.

Q. What did Ed. say to you?—A. He laughed; I don't understand what now he did say.

Q. Where did they laugh at you; where were you?—A. They laughed at me in the saloon there.

Q. What cause was there to laugh when you informed Mr. Ed.

86 that you were down here and testified and got your dollar?—A. I said that he laughed there; that he called me over, and that I told him that I was down there that day, and I couldn't get but seventy-five cents instead of a dollar.

Q. Did you tell anything else for a joke at that same time?—A. No, sir; I didn't.

Q. You didn't joke any more that day?—A. No, sir; that was in the evening, when I was coming home from work.

Q. When were you on the stand here?—A. I come here; I don't remember what day any more, because I couldn't tell you the day of the month; this is, I can't read or write; I can tell what day of the week.

Q. When did you come here after that?—A. I aint been here after that; not to testify and vote any more.

87 Q. Mr. McGee, where did you live on election day?—A. 919 Carr street.

Q. How long had you been living there?—A. About three weeks before election day.

Q. How many weeks?—A. Three weeks before election day, as nigh as I can recollect it; I used to live at 801 Morgan street.

Q. What poll did you go to?—A. Ninth street, right around the corner from where I live on Ninth street.

Q. Who did you see there at the polls?—A. Whole lot of white folks and colored people all around there, and policemen standing there; I couldn't tell who they was, all that was there.

Q. But a number of friends, wasn't they there, too?—A. Yes, sir; Mr. Post was there.

88 Q. How long had you been living at 801 Morgan street?—A. Been living there a long time, a long time.

Q. What did you do when you went to the poll?—A. I went up and they give me a paper; a man he gave me a paper; I went up; I said was my name there, and said I wanted to transfer, and I asked the man in there, the clerks—

Q. What sort of a paper did you pick up?—A. I picked up—what's his name was on—what's his name that is at the situation there?

Q. Which man?—A. I will tell you in a minute.

Q. What situation?—A. You see I don't care much about this; he is not in the city; he is in Washington City.

Q. Frost?—A. Garfield is his name; Frost's name was not there.

89 Q. You read it on the ticket?—A. I told you I couldn't read or write; I told you twice; I don't know A from B.

Q. You say you don't know A from B?—A. I don't know A from B; never did; never learned no book; I been a slave; never learned no book, nor nothing.

Q. Did you go to the polls yourself, or did you have somebody else go there for you?—A. I went down there in my wagon; I got off my wagon about five o'clock, or about half-past four, when I got there. I was moving out in Butchertown, and I drove my wagon up there, and I came there as I was taking my wagon home.

Q. You were moving, did you say?—A. I was moving in Butchertown with my wagon; I drove on Thirteenth and Biddle, sir, for a German man.

90 Q. What were you doing in Butchertown?—A. I move furniture for people in Butchertown.

Q. That was five o'clock in the morning?—A. I went out there in

he day-time, and it was five o'clock in the evening when I got back. I had three loads out there for him.

Q. Now, was it in the morning or in the evening?—A. In the evening, tells you.

Q. What time did you go to the polls?—A. About half past four or five o'clock in the evening; I tells you that again.

Q. Whose wagon were you on?—A. Adams's, a gentleman that lives on Thirteenth and Biddle, a German man; that is a furniture car.

Q. Wasn't it a grocery wagon?—A. What a fool I must be if I don't know a grocery wagon from a furniture wagon; it was a furniture wagon. If you want me to move you, I must have a furniture wagon. I have been moving furniture for eight years.

Q. Well, did you go inside of the polling place?—A. No, sir; they have got a stick laying across this way, and I walked right up in this way, and I gave my ticket; I didn't go inside.

Q. You then walked off?—A. Yes, sir; I walked right off. I said I transferred here; he says, "I can't help it; your name is not there."

Q. Are you still working for the grocery man?—A. Yes, sir; I clean up there every morning for him, and then after that I drives a wagon, if there is anything to move.

Q. When you came down here to testify the first time, were you brought down here or did you just come?—A. Me? I come.

Q. Did anybody ask you to come down here?—A. No, sir.

Q. You came here of your own accord?—A. Yes, sir; I come here of my own accord.

Q. Why did you come of your own accord?—A. The reason was—I want to tell you about that, how I come to be here of my own accord. This Charley Post that was telling—he was telling me about it, he was a river man, and he was telling me about this, and I says, "I will go down there about it," and then I come up.

Q. When you came down here who did you see?—A. I saw Mr. Smith and another gentleman there.

Q. What did Mr. Smith have to say to you?—A. He didn't have nothing to say; after I was testifying here he walked in, and I said I knowed the gentleman.

Q. Didn't you have something to say to some of these gentlemen before you went on the stand?—A. Some of these gentlemen they might have asked me some question; I believe some boy asked me some question, a colored man.

Q. What was the question?—A. He asked me something about voting and I told him; it was some little boy, a colored man. I call him a boy younger than me in age; I am going on thirty-nine.

Q. Well, did you tell him that you were not subpoenaed, but that you came down here of your own accord?—A. I came down here on my own accord.

Q. What did he say to you?—A. Well, he told me I had to wait awhile and go and see about this; anyhow, he said I had to wait, and I waited.

Q. Did you tell him then and there that you had gone to that jail on that day?—A. Yes, sir.

Q. And that your name was not on the book?—A. Yes, sir.

Q. Did you tell him anything else?—A. No, sir; no, sir. I told him nothing because he objects to it.

Q. You came down here to earn money that was being paid for colored witnesses, did you not?—A. No, sir; I didn't ask them for a cent.

Q. But that is why you come down here, is it not?—A. No, sir; I didn't ask them for a nickel.

Q. After you got seventy-five cents why did you lie about it
95 up there and say that you got a dollar?—A. I said that for a joke, because I was half drunk. I was worried and had been running. I am liable to say anything that way; I don't let my left hand know what my right hand does. I know those boys up there; they are all my chums.

Q. Well, it was very agreeable for you to receive that money, was it not?—A. Yes, sir; I guess Mr. Jesse Woods got some of it.

Q. And didn't you desire to get another installment?—A. I think it is too hard work for me to come down here again.

Q. Is that the reason you didn't come down?—A. I know I had more sense than to come down here again.

Q. Why is it that you are so secret that you won't let your left hand
96 know what your right hand does?—A. That is foolish talk, boss; you can look on the books, and you can find out that's foolish talk.

Q. But you said that you never let your left hand know what your right hand does; what is your reason for that?—A. I didn't say that. Do you go home and tell your wife everything that you does, every time?

Q. I do.—A. I don't know that I will.

Q. Then you have something to conceal?—A. I don't let my left hand know what my right hand does; no more than that is all foolish talk.

Q. Then you do not let your left hand know what your right hand is doing, because you have something to hide, something to conceal?—A. I can fetch you a dozen men that will prove to you that I don't steal.

97 Q. I said conceal; that you have something to conceal, something to hide.—A. I aint done anything wrong, boss.

Q. Why, then, don't you let your right hand know what your left hand is doing?—A. Because I am a man; I have got a name, and I know what is right, and I don't let everybody else know what I am doing.

Q. And your transactions in life are so numerous and so important that you have much to conceal?—A. I don't understand you, boss.

Q. I mean that you have much to hide, much not to speak of; that you have to be careful that you do not speak of at all?—A. Yes, sir; I understand you.

Q. Now, when did you say that you come down here again to earn another seventy-five cents and go on another drunk?—A. No
98 man ever seen me on a drunk; you are making foolishness with me.

Q. My question is, when did you say to him there, or did you say to him, that you were going to come back again, earn another seventy-five cents, and enjoy another drunk?—A. Nobody ever heard me say that I was going to come down and get another seventy-five cents.

Q. Is that one of the things that your left hand does that your right hand knows nothing about?—A. I have been here on the stand; you know that yourself; my name is John McGee all over the world, and you may look for my papers there, sir, and you will find that I haven't been here but once before; there are no two John McGees on the book.

Signature waived.

CURTIS KNAPPSTEADT, produced, sworn, and examined on the part of the contestant, depose and saith as follows, to wit:

By Mr. POLLARD:

Question. What is your full name?—Answer. Curtis Knappsteadt.

Q. Where do you live, Mr. Knappsteadt?—A. 1111 North Thirteenth street.

Q. How long have you lived there?—A. About nine or ten years living there in that neighborhood.

Q. How long have you lived in this house, at that number?—A. About a year.

Q. Did you register there from that number last fall?—A. Yes, sir.

Q. And voted?—A. Yes, sir.

Q. From that number?—A. Yes, sir.

Q. And have been living there ever since?—A. Yes, sir.

Q. Cross-examination by counsel for the contestee, Mr. DONOVAN:

Q. How old are you Mr. Knappsteadt?—A. I am twenty-three; born 1857.

Q. What month?—A. 23d of December.

Q. How do you spell your first name?—A. C-u-r-t-i-s.

Q. Did you ever spell your name Knappstader?—A. No, sir.

Q. Do you live on North Thirteenth or North Fourteenth?—A. North Thirteenth.

Q. Had you ever voted before in this city?—A. No, sir.

Q. Are you a man of family?—A. No, sir.

Q. You are satisfied that you are twenty-two and over?—A. Yes, sir.

Q. You have never registered?—A. I registered at the polls this year, this last election.

Q. You never registered prior to that time?—A. No, sir.

Q. What is your business?—A. I work for Joseph Bernhoff and company.

Q. How far is that from 1113 North Thirteenth?—A. About fifteen blocks.

Signature waived.

FRANCIS KRAUSS, recalled in rebuttal by the contestant, was then further examined, and on his oath testified as follows:

By Mr. METCALFE:

Q. Have you, Mr. Krauss, been employed within the past three or four weeks in canvassing names furnished you by the contestant's counsel in this case, written upon cards along with their addresses?—A. Yes, sir.

Q. Did you go to the houses designated upon those cards, and ask those parties?—A. I invariably went there, or in the neighborhood, and obtained all the information I could.

Q. You went and canvassed for those names and addresses?—A. Yes, sir.

Q. State what degree of diligence you exercised in looking after those parties whose names and addresses were furnished you—A. Usually inquired at the number, or the neighborhood either, and so on; sometimes two or three names if I couldn't get any information at the house itself.

Q. You have in your hands cards furnished you with the names and addresses for whom you inquired?—A. Yes, sir.

Q. State whether or not any memorandum appears upon that card, and by whom it was made?—A. I usually made a memorandum on those cards.

Q. At what time, with reference to the inquiry were the mem-
104 orandums made?—A. I made them immediately.

Q. Immediately at the time of the examination?—A. Yes, sir.

Q. Did you inquire at 1126 North Second street for Martin Kelleher?—A. Yes, sir.

Q. What did you learn about Mr. Martin Kelleher?—A. I learned that he had moved several years ago.

Q. How many years ago?—A. About two years ago.

Q. From whom did you learn that?—A. I learned from the neighbors.

Q. Where did you inquire?—A. I first inquired at this place if I recollect right, and they told me they didn't know anything about him; that they didn't know him.

Q. Of how many in the neighborhood did you inquire?—A. I inquired of three of the neighbors round there. Some of them said he had removed.

105 Q. Did you inquire at 1132 North Second street for Dominick Donnelly?—A. Yes, sir.

Q. What did you learn about Mr. Dominick Donnelly?—A. I understood that he had lived there.

Q. Had he moved?—A. He had moved before November; yes, sir.

Q. Before November?—A. Yes, sir.

Q. From whom did you learn that?—A. I learned that from a woman who represents herself as Mrs. Donnelly, his wife.

Q. Does she live at that number?—A. I say I think she does; if I recollect right. No, I think she lives elsewhere.

Q. What did she state to you?—A. But she did live there.

Q. You saw her yourself?—A. At her present place of abode.

106 Q. Did she tell you that they had moved away from there before November?—A. Yes, sir; she told me that they had moved away from there before November.

Q. Did you inquire at 1413 North Second street for Patrick Gill?—A. Yes, sir; I did.

Q. What did you learn?—A. I learned that he had removed about eight months ago.

Q. Who told you that?—A. Mrs. Corbett, 1427 North Second; she is one of the parties that told me.

Q. That is near 1413 North Second, is it?—A. Yes, sir.

Q. Did she know this Patrick Gill?—A. She said she did.

107 Q. And that she knew when he had moved away?—A. She couldn't tell me the exact day; she stated it was about eight months ago.

Q. Did you inquire for Willson Donovan at 1437 North Second street?—A. Yes, sir.

Q. What did you learn?—A. I learned that he had removed seven months ago to 2126 Jackson street.

Q. Seven months ago?—A. Yes, sir.

Q. From whom did you learn that?—A. I learned that from parties. I inquired at several places around there. I didn't always put their names down.

Q. Parties near there?—A. I usually inquire in more than one place.

- Q. Did you inquire for Mike Croke at 1507 North Main street?—A. That is Mike Croak, yes, sir; I did.
- 108 Q. What did you learn about him?—A. I learned that he had removed from there.
- Q. When?—A. Some time during October.
- Q. From whom did you learn that?—A. I learned that from several parties around there.
- Q. Parties living in that immediate vicinity?—A. Yes, sir; in fact the building is torn down—that whole row.
- Q. What did you learn about Patrick Croak at 1507 North Main street?—A. The same as in the former case; that he had removed about the fifteenth day of October.
- Q. Did you learn this in the same way?—A. Yes, sir.
- Q. What did you learn about Edward Coady, 1509 North Main street?—A. I understood that he had removed some time during October.
- 109 Q. From whom did you learn that?—A. I learned that from the neighbors around there.
- Q. Did you find him there at 1509 North Main?—A. Those houses are all torn down.
- Q. How many people in that neighborhood told you that he had moved?—A. Well, there was several told me that he had been there one time.
- Q. What did you learn about Nicholas Fitzpatrick, 1509 North Main?—A. I learned that he had also removed from there.
- Q. At what time?—A. During the month of October some time.
- Q. Did you learn that in the same way as the others; did you, or did you not?—A. Yes, sir; in the same way.
- 110 Q. What did you learn concerning John Crowley, 1528 North Second?—A. Well, I couldn't find any such number.
- Q. No such number as 1528 North Second?—A. No, sir; I couldn't find it.
- Q. What did you learn about Pat. Mohan, 1541 North Second?—A. I found that he don't live there.
- Q. Who does live there?—A. I don't know.
- Q. Who told you that?—A. The neighbors.
- Q. Was he known there?—A. They said they didn't know him. They didn't know anybody by that name.
- Q. What did you learn about Patrick Hurg, 1548 North Second?—A. Well, there is no one living there by that name, but there is a
- 111 man lives there that calls himself Pat. King.
- Q. But you found no Pat. Hurg there?—A. No Pat. Hurg; no, sir.
- Q. State whether or not any one in that vicinity knew of Pat. Hurg or Pat. Huey?—A. No, sir; they said he had never lived there, but that Pat. King lived there.
- Q. What did you learn about Mike Sloney, 209 Florida street?—A. Mike Sloey lived here, not Sloney, but moved to Sixth street, opposite Mullally's stable, about seven months ago.
- Q. From whom did you learn that?—A. I learned that from the neighbors.
- Q. Did you inquire for William Burns, 515 Carr street?—A. Mrs. Lee keeps a boarding-house up there, and she said she didn't
- 112 know anybody by that name.
- Q. Do you know how long Mrs. Lee lived there; or do you

know how long she kept boarding-house?—A. Mrs. Lee kept a boarding house there next door to the man, 517, next door to 515.

Q. Did you learn whether Mrs. Lee had been living in that immediate vicinity for some years?—A. I learned from some neighbors that she had been living next door previously and moved into 517 from 515.

Q. State whether or not any of the neighbors knew of this man William Burns?—A. No, sir; the neighbors didn't know anything of him.

Q. Did you inquire for Edward Sheehey, 516 O'Fallon?—A. Yes, sir.

Q. What did you learn about him?—A. They said that no such
113 person of that name ever lived there, but Pat. Shields lived there and moved to 712 O'Fallon street two years ago.

Q. But you learned nothing about Edward Sheehey? Did you or did you not?—A. No, sir; there is no such person ever seen there.

Q. From whom did you obtain that information?—A. I obtained that from the neighbors and also from Mrs. Sheehey, 520 O'Fallon. She says she has been living there about 8 years. She says there was nobody there of that name.

Q. What did you learn about William N. Atwood at 1719 North Seventh street?—A. No one of that name in the family; there is Charles Norman and John Atwood. They used to live there. They moved to Eighth and Carr on the first of January, 1881.

114 Q. You did not learn anything of William N. Atwood?—A. No, sir; I learned nothing of William N. Atwood.

Q. State whether you learned it at the house or from these people who live there?—A. Yes, sir; from the people that live there.

Q. Did you inquire for Charles McGindley, 816 Mound street?—A. Yes, sir.

Q. What did you learn about him?—A. Moved away from there about eight months ago.

Q. From whom did you learn that?—A. From neighbors.

Q. Did you inquire for Patrick Hammond, 713 Biddle street?—A. Yes, sir.

Q. What did you learn about him?—A. He don't live there; I couldn't find him in that block.

115 Q. State whether or not you made inquiries along the block for him?—A. I made inquiries for him; yes, sir.

Q. State whether or not the parties at 713 Biddle knew him?—A. They stated they didn't know him.

Q. State whether or not you found out that he had moved and was not known in that neighborhood by those neighbors?—A. I did inquire and nobody knew anything about him.

Q. Did you inquire for John Maguire, 1319 North Seventh street; and, if so, what information did you elicit concerning that gentleman?—A. Yes, sir; I inquired for him.

Q. Very well, what did you learn about him?—A. Well, I couldn't learn anything about him.

116 Q. Did you learn whether or not he had ever lived there?—A. No, sir; they didn't know anybody by that name around there.

Q. State how many inquiries you made for him?—A. I made several inquiries. Went to the house direct.

Q. Did you inquire for John Maher, at 1328 North Eighth street?—A. I did.

Q. What did you learn about him?—A. There is no such person living at 1328 North Eighth street.

Q. Did you inquire at that number?—A. Yes, sir.

- Q. Did you inquire for Mr. Kehoe, 1328 North Eighth street?—A. Yes, sir.
- 117 Q. What did you learn about him?—A. They stated they didn't know him there.
- Q. Did you inquire of the neighbors?—A. Yes, sir; I did.
- Q. State whether or not you elicited any information as to him?—A. No, sir; they stated that he didn't live there; never did live there to their knowledge.
- Q. Did you inquire for John Matt, 1428 North Tenth street?—A. Yes, sir.
- Q. And what did you learn about him?—A. I found that he had moved about a year ago.
- Q. From whom did you learn that?—A. I learned that from the neighbors and in the vicinity.
- Q. More than one?—A. Yes, sir.
- 118 Q. What did you learn, if anything, about John Reilly, 1423 North Ninth street?—A. I didn't find him there; he was not known there in that neighborhood.
- Q. Of whom did you make the inquiry?—A. Of the surrounding neighbors.
- Q. What information did you obtain of James Sweeney, 1426 North Tenth street?—A. He lived there, but removed from there last summer.
- Q. From whom did you obtain that information?—A. On 8th street, near the school-house. He works for the Eagle Flour Mills.
- Q. From whom did you obtain the information, was my question.—A. From the neighbors.
- Q. Did you inquire for T. T. Craffey, 915 Cass avenue?—A. I did.
- Q. What did you learn about Mr. Craffey at that place?—A. I
- 119 learned that he had moved about eight months since to Eighteenth and Franklin avenue.
- Q. From whom did you obtain that information?—A. I found that out by the neighbors.
- Q. What did you learn, if anything, concerning a man by the name of Thomas Meaghre, 1000 O'Fallon street?—A. He never lived there.
- Q. From whom did you obtain that information?—A. I obtained that from people that live around there in that neighborhood.
- Q. What information did you derive in reference to John Wirthlin, 1003 Biddle street?—A. He lived there before the election; his landlord told me he had put him out; he didn't pay his board; he promised to come back on election day to vote and pay him; he did come
- 120 back and voted, but didn't pay him.
- Q. The landlord told you that?—A. Yes, sir.
- Q. What information did you obtain in reference to Michael Gormley, 1001 Biddle street?—A. I couldn't find him; nobody could give me any information concerning him.
- Q. Did you inquire at the house, as well as of the neighbors around?—A. Yes, sir; I inquired at the house and in the neighborhood also.
- Q. What information did you obtain of James Malone, 1108 North Thirteenth?—A. I couldn't find him. He was not known there at all.
- Q. From whom did you elicit that information?—A. He never was living there.
- 121 Q. From whom did you obtain that information, is what I ask you?—A. From Mrs. Scanlon and other parties.
- Q. Does she live at that number?—A. 1108 North Thirteenth.
- Q. What information did you obtain in reference to a man by the

name of J. O'Toole, 1017 North Fourteenth?—A. I couldn't find not been living here for at least seven months.

Q. Who told you that?—A. I got that from Langenbeck, 101 Fourteenth.

Q. Lady or gentleman?—A. Lady, it must be, because I have found a man at home; she lives at 1017 North Fourteenth; she told me that they had lived there for seven months, and he had not been there during that time.

Q. What information did you obtain in reference to 122
Carlton, 1227 North Sixteenth?—A. He moved away from about seven months ago to 922 North Fifteenth.

Q. What information did you obtain in reference to Thomas Hennessy, 2001 Biddle street?—A. Well, he didn't live there.

Q. Has he ever lived there?—A. No; there is a Patrick Hennessy that lives there. He did live there; I guess he lives there yet.

Q. Did you find whether or not Thomas Hennessy had ever lived at 2001 Biddle?—A. No, sir; I did not find that out, but I think there is a Thomas Hennessy living somewhere else in that neighborhood. I don't know where exactly.

Q. But you didn't find him at 2001 Biddle?—A. No, sir; not at 2001 Hennessy there.

123 Q. But you found a Patrick Hennessy?—A. Yes, sir.

Q. Did you obtain any information in reference to John McCarthy, Twenty-first and Biddle street, northeast corner?—A. Yes, sir.

Q. What did you learn about him?—A. I found out that he had lived there.

Q. From whom did you obtain that information?—A. I found out in that neighborhood.

Q. Did you learn whether or not he had ever lived there or was there?—A. I did hear that he had lived there some time or other years ago; I don't know when.

Q. Did you learn when he had moved?—A. I heard that he had moved there some years ago, that is, if this is the same one; I don't know. They said McCarthy had lived there some years ago.

124 Q. Did you learn whether or not John W. McCarthy had lived at that number during the past eight months?—A. He did not live there.

Q. Did you inquire for James Smith, 2118 or 2124 Biddle street?—A. Yes, sir.

Q. What did you learn about him?—A. I learned that James Smith lived at 2122½ Biddle street.

Q. Did you learn whether or not there was any other James Smith living at one of those two places?—A. No, sir.

Q. You went to all of those houses, did you not?—A. I don't know whether I went to all those houses or not. I went to all the houses in that neighborhood and inquired for this man. I went to all the houses with those numbers and found him at 2122½ Biddle.

Q. State whether or not you found more than one James Smith in that neighborhood?—A. No, sir.

Q. What information did you obtain in regard to this Stephen Howard, 2116 Division?—A. I found that he lived there.

Q. Did you learn whether or not there was more than one Stephen Howard living there?—A. There is only one Stephen Howard and I could get any account of.

Did you get that information from the neighbors?—A. They told me Stephen Howard lived.

Did you inquire for Francis Costello, Twenty-second and Biddle?—A. Yes, sir; I did. I learned that he doesn't live there; James Costello lives there.

Q. Did you learn whether or not Francis Costello had ever lived there?—A. Yes, sir; they told me he had never lived there; James Costello lived there, but Frank never did live there. What information did you obtain in regard to this James Moran, Fallon?—A. They told me he had removed from there last September; I gained that information from the neighbors.

What information did you obtain in regard to this James Shea, North Sixteenth street?—A. I couldn't find him.

Of whom did you inquire?—A. I inquired of the neighbors around

Q. What information did you obtain in regard to Jerry Savage, Eighteenth and O'Fallon?—A. They told me that he had never lived at Eighteenth and O'Fallon.

From whom did you obtain that information?—A. I got that information from the neighbors around there in the neighborhood.

Did you learn who lived there at 1410 North Eighteenth street?—A. I did.

Who?—A. Jerry Savage.

Jerry or John?—A. They told me it was Jerry; of course, I don't know for a certainty.

How look at your card and state?—A. It is John.

How learned that John Savage lived there at 1410 North Eight-

—A. Yes, sir.

Q. And you couldn't obtain any information in regard to Jerry Savage at Eighteenth and O'Fallon?—A. No, sir.

Q. What information did you obtain in regard to Patrick Morris, 1418 North Eighteenth?—A. Moved about a year ago to Twentieth and O'Fallon, east side.

From that number?—A. Yes, sir.

From whom did you learn that; from the neighbors?—A. From the neighbors.

What information did you elicit concerning a party by the name of Carroll, 1413 North Eighteenth street?—A. Never lived at North Eighteenth.

From whom did you learn that?—A. From the neighbors.

What information did you obtain in regard to Dennis Stanton, North of Twenty-second, between Cass avenue and O'Fallon?—A. Moved to Montgomery and West Twentieth street last summer.

Q. Last summer?—A. Yes, sir.

Q. From whom did you learn that?—A. From the neighbors. What information did you obtain in regard to C. R. McBride, North Twenty-first?—A. There are McBrides there, but no C. R. McBride.

From whom did you learn that?—A. From his family—his own

I am acquainted with McBride; that is the reason I went in.

What information did you obtain concerning a party by the name of Peter White, 1311 North Twenty-third?—A. Well, I couldn't find him; neither could I find such a number.

How made inquiries there for Peter White, did you?—A. Yes,

130 Q. What information did you obtain in regard to A. L. Lister, 2119 O'Fallon street?—A. I couldn't find him. not known there.

Q. Of whom did you make that inquiry?—A. From the neighbor then I went to the house, 2119 and 2219; I couldn't find him.

Q. What information did you obtain in regard to Matthew Twenty-sixth, between Cass avenue and Dickson?—A. Moved year ago to Twenty-sixth and O'Fallon, or in that neighborhood.

Q. From whom did you obtain that information?—A. I obtained that from the man that keeps the grocery, by the name of Er think his name was.

Q. Did he say he knew Matthew Dee?—A. Yes, sir.

Q. And knew when he had moved?—A. Yes, sir.

131 Q. What information, if anything, did you elicit concerning party by the name of P. Ryan, 2520 Cass avenue?—A. I the 15th day of last October; don't know where he lives now works at the Iron Mountain Railroad depot; that is what they told me.

Q. From whom did you gain that information?—A. I obtained from the neighborhood around there.

Q. What information did you obtain in regard to W. P. Ead North Seventeenth?—A. Removed to 2415 Division street before election—before the November election, 1880.

Q. Of whom did you gain that information?—A. I learned from the neighbors—his former neighbors.

Q. What information, if any, did you elicit in reference party by the name of Michael Pendergast, 1710 Mullan?

132 A. Well, I was told that he had lived there, but removed 2206 Carr street, between six and seven months ago.

Q. Of whom did you learn that?—A. Of several parties, and every store near by, kept by Schulte, or Schultz, or some such, and then I asked a woman who lived in that neighborhood—3 Block.

Q. What information, if any, did you obtain concerning the abode of John Sheehan that is put down at 1624 Wright street?—A. There is no such number on Wright street. He is not around there.

Q. What information did you gather concerning Mr. De 133 Moloney, 400 Kossuth avenue?—A. I went to that number.

I saw a lady that was living there in that house and she told me she had lived there for a year and a half, and she told me there was no such party living there at all.

Q. State whether or not you made any inquiries concerning T Slattery, living at 1209 Foster alley?—A. I inquired.

Q. What did you learn concerning Mr. Slattery?—A. Moved Eighth, between O'Fallon and Cass avenue, about eight months ago.

Q. Of whom did you learn that?—A. I learned that from his neighbors.

Q. What did you learn concerning John Wood, 1323 North street?—A. I found out that he didn't live there.

134 Q. Of whom did you learn that?—A. I got that from the neighbors; also at the number.

Q. Was he known there?—A. Well, I don't recollect whether or not; I know he didn't live there.

Q. State whether or not you made any inquiries about Thomas lahan, 901 Biddle?—A. Yes, sir.

What did you learn about him?—A. Removed from here before m.

Of whom did you obtain that information?—A. Well, among the x was Reardon at that number, and also this man Gallagher; old me that.

State what information you gathered at 1022 North Thirteenth concerning James Flinton.—A. There is nobody known by that name of Flinton.

Q. From whom did you get that information?—A. Well, I inquired at the house and next door.

Did you learn whether or not he was known there?—A. Nobody anybody by any such name in that vicinity.

State whether or not you made any inquiry concerning a party name of John Dugan, 1124 North Sixteenth street?—A. Yes,

What information did you gather concerning that gentleman?— didn't live at that number.

Did you learn whether or not he had ever lived at that number? Yes, sir; they say he had never lived there in that number.

Q. What information did you gather concerning a man by the name of John Ready, 1705 Cass avenue?—A. I found that he don't live at 1705 Cass avenue.

Did you learn whether or not he had ever lived at 1705 Cass ave.—A. No; but the best of my recollection is that he never did live

State what information you elicited in reference to Michael C. De-1810 Benton street?—A. Well, I couldn't find no one that knew ing about him.

Nobody knew him, or of him, there?—A. No, sir.

Did you inquire for him at 1812 North Market street?—A. I did.

What did you learn in reference to him there?—A. I couldn't find him there, neither; there is no such number as 1812 North Market at least I couldn't find any.

Q. No such number as 1812?—A. Yes, sir.

State whether or not you found anybody that knew him in that r.—A. No, sir.

What inquiries did you make concerning P. J. O'Connor, at 3125 Thirteenth?—A. I inquired for him.

What did you learn in reference to him?—A. I could neither find r nor name.

Was he known in the neighborhood?—A. No, sir.

What information, if any, did you gather about a man by the of William Cronin, 1108 Broadway?—A. I couldn't get any information, because that building is torn down.

Q. Did you inquire of any of the neighbors in reference to him?—A. I did; but they said they didn't know him.

Did you inquire for John Newell, 2023 Biddle?—A. I did.

What did you learn concerning Mr. Newell?—A. I couldn't find ything about him; they didn't know him.

Of whom did you inquire?—A. I inquired in the immediate neighborhood at that number, too.

What did you learn in reference to Geo. F. Troxell, 2607 North h street?—A. Moved before the election.

From whom did you learn that?—A. Mr. Schulte, 2605 North h street.

Q. Next door?—A. They said he had moved away before election.

139 Q. They had known him?—A. Yes, sir; he had lived there.

Q. What did you learn in reference to A. L. Tiernon, 20 Ashley?—A. He had lived there at 200 Ashley, I think it was—at 20, instead of 201 Ashley—but had moved to East Saint Louis about months ago. He never lived at 201 at all.

Q. You learned he had removed to East Saint Louis about 7 months ago?—A. Yes, sir.

Q. Do you know that of your own knowledge whether he is the same party who was indicted by the United States grand jury for fraudulent voting on last November election day?—A. No, sir; I don't know that of my own knowledge, but I was so informed by the grocery storekeeper. He told me that he had moved to East Saint Louis and come back again and voted, and then moved over there again.

Q. What did you learn about P. Buckley, 1200 Collins street?—A. There is no such man living there; there is no house on the southwest corner of Biddle; 1200 Collins street is the nut and bolt factory. I asked Stone if any one lodged in there, and he said no.

Q. 1200 Collins street is a nut and bolt factory?—A. Yes, sir.

Q. You state that there is no such house on the southwest corner of Collins and Biddle street?—A. No, sir; that is vacant.

Q. State whether or not you learned anything of Patrick Buckley there?—A. No, sir; I did not.

141 Q. What information, if any, did you elicit concerning a man by the name of Pat Farrell, 211 Mullanphy street?—A. He lived there, but left last September or October. Don't know where he is.

Q. Who told you that?—A. That was John Meyers, who keeps the boarding-house.

Q. At that number?—A. Yes, sir.

Q. Did he inform you that Pat. Farrell—

WITNESS (interrupting). He didn't tell me himself; he was at work; but his daughter spoke to me. I know the family for over 25 years.

Q. Did you know them personally?—A. I know the Meyers.

Q. What did you learn in reference to Fred. J. Briveau, 217 Mullanphy?—A. There is no such number there. He was not known at 219; that is next door.

142 Q. You did inquire there for him in that neighborhood; did you?—A. Yes, sir.

Q. And they didn't know anything about him?—A. No, sir; 217 is a vacant lot.

Q. What information did you obtain in reference to James Burns, 1448 Broadway?—A. Well, I couldn't find out anything about him.

Q. What inquiries did you make?—A. I inquired of the neighbors.

Q. Did any of them know him?—A. No, sir; none of them knew him.

Q. What information did you gather concerning Mr. Alexander Bonner, 1126 Collins?—A. He lived in the neighborhood of Grand and Vandervoort avenue some time during last October, so says Mrs. Berry or some such name.

143 Q. Where does she live?—A. She lives at that number; 1126 Collins, I believe.

Q. What information did you obtain in reference to John Cain, 1218 North Seventh street?—A. Well, I found out that there is John and Pat. Cain living at that number.

Q. Did you learn whether or not more than one John Cain lives at

that number ?—A. I did ; there is only one there ; at least that is what they said. Pat and John are two brothers.

Q. Do you know whether more than one John Cain has lived there during the past eight months ?—A. No, sir ; there was only one John Cain. I went there twice for the parties, to make inquiries.

Q. What did you learn in reference to James Fay, 221 Howard ?—A. Well, there is a man there by the name of James May, but no
144 James Fay. They said there is no such man.

(Mr. Donovan, counsel for the contestee, objects to all evidence of this character as it is not in rebuttal ; for this is the exact report that was brought in by the canvassers for the contestee, and instead of being in rebuttal it is simply in confirmation of what the witness for the contestee testified in regard to that name and other names.)

Mr. METCALFE. The record will speak for itself as to what the testimony is.

Q. What did you learn in reference to James Hain, 223 Howard ?—A. Well the man who lives in that number calls himself James O'Hare.

Q. Did you learn whether or not any James Hain did live at that number ?—A. Yes, sir ; they said he hadn't lived there. There
145 is no such man there, and never had been.

Q. What did you learn in reference to Charles Grum, 200 Ashley street ?—A. He had lived there but moved away more than a year ago.

Q. State whether or not you made any inquiries for a man named Dennis O'Hare, who was said to have lived at 212 Howard street ?—A. I heard that he never lived there.

Q. From whom did you hear that ?—A. From William Remmert, second and Howard. He keeps the grocery there.

Q. And knew these two places ?—A. It is right in his immediate vicinity.

Q. What did you learn concerning John C. Danford at 204 Howard street ?—A. No man of this name has lived there for years.

46 Q. From whom did you learn that ?—A. From Mrs. Teunagle, 224 Mound. She says she has been living there for years, and no such man has lived here of that name.

Q. What did you learn, if anything, concerning a party by the name of John Carr, 4230 Broadway ?—A. There is no such number there ; no such man as that is living in that neighborhood.

Q. From whom did you learn that ?—A. Well, I learned that from the neighbors around. I asked through two blocks and couldn't find him.

Q. What did you learn in reference to J. J. Moran, 4115 North Second ?—A. He lived there, but left last summer.

Q. Of whom did you learn that ?—A. Louise Stutte ; he had
7 boarded with her.

Q. What did you learn in reference to Mike Connor, 3709 Broadway ?—A. Mrs. Annie Kane says he boarded at the Brighton house on November second, 1880, but he boards with her now.

Q. Where was the Brighton House, and where does she live ?—A. In the rear of 1319 or 1317.

Q. State whether or not the Brighton House is 3709 Broadway ?—A. No, sir.

Q. That is some distance away, is it not ?—A. 3624 North, about there.

Q. They are in different blocks, are they not ?—A. Yes, sir.

At this point a recess was taken until 2 o'clock p. m.

147a

2 P. M.

Parties reassembled, and announcing themselves ready to proceed, the following testimony was thereupon elicited :

Mr. Pollard, counsel for contestant, thereupon gave notice to R. Graham Frost, by his counsel, F. J. Donovan, that he would proceed to apply to the United States circuit court for the eastern district of Missouri, for an order to produce certain ballot-boxes and their contents for the inspection of the contestant and his counsel, in words and figures as follows, to wit:

147b Hon. R. GRAHAM FROST :

You are hereby notified that on Monday, April 18, 1881, I shall apply to the U. S. circuit court for the eastern district of Mo. for an order ordering Nicholas Berg, register of the city of St. Louis, to produce before Frank Kraft, a notary public within and for said city, the ballot-boxes used in the hereinafter named and numbered voting precincts of said city at the election held in said city on the 2nd day of Nov. 1880, and the ballots contained therein, and to give me an inspection and examination thereof, and all other ballots cast at said election on said day in said precincts, viz: No. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 71, 73, 75, 84, 85, 86, 87, 117, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 152, 166, 168, 170, 207, 208, 209, 210, 211, 212, 213, 219, 220, 221, 222, 241, 243.

GUSTAVUS SESSINGHAUS,

By L. S. METCALFE, JR., &
H. M. HOLLARD,

His Att'y.

F. W. H. Wieseahn, being sworn, says he served the within notice by delivering a true copy thereof to F. J. Donovan, att'y for R. Graham Frost, in the city of St. Louis on the 16th day of Ap'l, 1881.

F. W. H. WIESEHAHN.

Subscribed & sworn to before me this Ap'l 16, 1881.

FRANK KRAFT,

Notary Public, City & Co. of St. Louis, Mo.

Com. expires Mar. 13, 1882.

147c As well also that a similar notice had been prepared and served upon Nicholas Berg, esq., register of the city of Saint Louis, the same being in words and figures as follows, to wit:

NICHOLAS BERG, Esq.,

Register of the City of St. Louis :

You are hereby notified that on Monday, April 18, 1881, I shall apply to the U. S. circuit court for the eastern district of Mo. for an order ordering you to produce before Frank Kraft, esq., a notary public within and for said city, the ballot-boxes used in the hereinafter named and numbered voting precincts of said city at the election held in said city on the 2nd day of Nov., 1880, and the ballots contained therein, and to give me an inspection and examination thereof, and all other ballots cast at said election on said day in said precincts, viz: No. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 71, 73, 75, 84, 85, 86, 87, 117, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130,

131, 132, 133, 134, 152, 166, 168, 170, 207, 208, 209, 210, 211, 212, 213, 219, 220, 221, 222, 241, 243.

GUSTAVUS SESSINGHAUS,
By L. S. METCALFE, JR., &
H. M. POLLARD,

His Atty's.

Service of a copy of this notice accepted this Ap'l 16, 1881.

NICHOLAS BERG.

148 After which the cross-examination of Mr. PATTERSON, was proceeded with as follows:

By Mr. DONOVAN, counsel for contestee:

Question. Mr. Joseph Golby, a canvasser for the contestant, in reporting on the name of Martin Kelleher, 1126 North Second, reported it a vacant lot; what is your testimony regarding that same name?—

Answer. My testimony is that he removed about two years ago.

Q. You didn't find it to be a vacant lot, then?—A. No, sir.

Q. Mr. Golby was examined in regard to that?—A. I don't know anything about that.

Q. You found he had moved?—A. Yes, sir.

Q. It appears from the report of the contestee's canvasser that he lived there about fourteen years and moved to Collins and Biddle streets in the middle of February, 1881, just two months or so ago; could you fix the date of his removal any more definitely?

—A. No, sir.

Q. Look at your card or memorandum and see what report you made this morning in regard to that name of Martin Kelleher?—A. That is the report I made, removed two years ago.

Q. Well, how does your report in regard to his removal two years ago and your testimony in regard to his removal in the middle of February last past, 1881, agree?—A. It don't agree at all.

Q. Did you go to Collins and Biddle to find the gentleman?—A. No, sir.

Q. Were you not informed that he had moved to the corner of Collins and Biddle?—A. I was.

150 Q. Why didn't you go there?—A. Why, I was not looking for the man at all.

Q. You were not looking for the man at all?—A. I was not looking for him at the corner of Collins and Biddle.

Q. Where were you looking for him?—A. Wherever this card or memorandum says.

Q. But when they told you he had gone to Collins and Biddle streets, why didn't you go there and ascertain when he moved from one place to the other since he had been living at 1126 North Second street for 14 years?—A. I did ascertain that.

Q. And if you wished to be precise regarding the time that he removed, why didn't you go to Collins and Biddle and see the gentleman and ascertain the matter definitely, so that it would satisfy us and satisfy anybody that chose to examine this record?

151 WITNESS. Do you think I had nothing else to do but travel after a man and find out when he moved from place to place? I went to the neighbors.

Q. But the man would certainly know about when he moved better

than anybody else, wouldn't he ; now, why didn't you go to see him ?
—A. I had no particular business there.

Q. O, you would rather take his neighbors' word for it than his own. Now, did you inquire at 1132 North Second street for Donnelly Dominick or Dominick Donnelly ?—A. I inquired for Dominick Donnelly.

Q. You saw Mr. Donnelly ?—A. No, sir ; I did not.

152 Q. You saw a lady by the name of Mrs. Donnelly ?—A. No, sir ; I didn't ; not at that place.

Q. Do you know how long Dominick Donnelly had been living at that place ?—A. No, sir.

Q. Were you not informed that he had been living there for three years, and only moved just a few days before Christmas ?—A. No, sir.

Q. And then moved to the corner of Second and Ashley, just in the vicinity ?—A. No, sir.

Q. Well, did you go to Second and Ashley, where he had moved ?—A. I did.

Q. In December last, and inquire for him ?—A. I did.

Q. Did you see him ?—A. I did not.

153 Q. Was he not there ?—A. No, sir.

Q. Who did you see ?—A. I saw a woman there who represented herself as being his wife, and she told me that Dominick Donnelly never had lived there ; that while she was living there he was down at New Orleans.

Q. Living at what place ?—A. 1122 North Second.

Q. Did you strike the right Mrs. Donnelly, because Dominick Donnelly had lived there for three years ?—A. She insisted she was the woman at 1132 North Second.

Q. Why, then, is it that her husband never had lived there ?—A. Well, that is what she said to me.

Q. Was she separated from her husband ?—A. I don't know
154 whether he was legally separated or not, but he was in New Orleans.

Q. And when did she move from Second street ?—A. Some time before the election ; I forget now how long.

Q. What did she say ; give us her words ; what did she say ?—A. That is just what she said to me.

Q. What does a woman know about election, or didn't you ask her for the month in which she had moved ?—A. She said the November election. She said she had moved before the November election.

Q. How long were you talking to that lady ?—A. I talked to her for some time, and I went down-stairs and she came after me again
155 and wanted to know all about it. I told her that was what I wanted to know.

Q. Did you put the words into her mouth ?—A. I directed her attention to the fact as to whether or not she had moved before the November election, and she said she had. She distinctly insisted on that when I talked to her about that.

Q. She was not doing anything at the time ?—A. I was talking to her.

Q. Nursing a baby ?—A. Probably she was ; I don't know.

Q. Did you introduce yourself ?—A. No, sir ; I didn't introduce myself at all.

Q. You just shot up there and asked this woman, whom you learned was called Mrs. Donnelly, after you found that lady on Second
156 street—Second and Ashley—you asked her when she had moved

here?—A. No, sir; I went in below; I asked others—first the neighbors—where Dominick Donnelly was.

Q. Where was this gentleman—Second and Ashley, or 1132 North Second?—A. On Ashley; I was at 1132 North Second, and they stated that they didn't know the persons. No one knew him in that row; I went all over there; I believe that is the place where there are two houses of the same number—that row.

Q. Are you sure that you struck the right Mrs. Donnelly?—A. I think so, unless she lied. She told me that her husband's name was Dominick Donnelly.

57 Q. Do you know how many lies you have picked up in the course of your canvass?—A. No, sir; I do not. They would be infinite, I guess.

Q. Do you know that the same lady, in talking to a gentleman, told him that Dominick Donnelly had lived there for three years, at 1133 North Second street, and moved but a few days before Christmas to the corner of Second and Ashley? Now, if she made this statement to this gentleman that I have just narrated, was she telling the truth then or not?—A. I don't know about that.

Q. Now, Mr. Charles R. Wolff reports that Pat. Gill never did live at 413 North Second. He was a canvasser for the contestant in this cause, and swore to that fact. Now, did you find that Patrick 58 Gill did live there?—A. Yes, sir; he did.

Q. If you found he lived there what credence is to be given to Charles R. Wolff, who swears that he never did live there?—A. That is for you to determine.

Q. He is a brother canvasser of yours?—A. He has got nothing to do with me personally.

Q. Well, you found he did live there. Now you stated something in regard to his moving. When did he move?—A. He moved about eight months ago.

Q. In what month was it?—A. You can figure that out easily enough. This is April. You can figure it up if you see fit to.

Q. Who gave you the information that he moved about eight months ago?—A. Mrs. Corbett.

59 Q. Who is Mrs. Corbett?—A. I don't know the lady; I have not the honor of her acquaintance. She lives at 1427 North Second.

Q. Could you not get more accurate information regarding Patrick Donnelly than that he had moved about eight months ago; because we don't know what there may be in that "or about," because "about" may mean ten months; it might mean five months?—A. "About" must be confined to a few, or at least, that is its general use. If you say "about" week, you don't mean about a month.

Q. Now the information that was received by the canvassers for the contestee there was that he lived there, in that house up to the 5th day of November, and on the 5th day of November he moved thence to 1429 North Second; now did you elicit that information?—A. No, sir; I did not.

Q. You didn't find out where he had moved to?—A. I don't remember.

Q. The only information that you got was from some woman up there that he moved about eight months; you put it down, and walked off?—I might have found it out otherwise, and it is more probable I asked no other parties before I asked this woman.

Q. We don't want any probabilities in this case; we want to have the information that is worth our while to consider.—A. Mrs. Corbett

is authority for this statement, because I put her name down.
161 She had no hesitation in giving me her name in connection with this matter.

Q. Did Mrs. Corbett keep a diary as to when her friends and neighbors moved?—A. I don't know.

Q. And does she keep it any more accurately than to say it was about five, or six, or seven, or eight months ago?—A. I don't know whether she does or not. She may possibly.

Q. Now, there appears to be a man up there by the name of Wilson Donovan, 1437 North Second, reported by Mr. Wolff that he didn't live there, but had moved to 1426 Jackson; what did you report?—A. I reported that this man moved about seven months ago to 2126 Jackson.

Q. Well, now, in order to be precise about the information, which of you are correct, Mr. Wolff or yourself? He has it at 1426, and
162 you have it 2126 Jackson. Which is it?—A. I don't know anything about Mr. Wolff. I have seen him here and that is all.

Q. Is that the way that you took the dates from this woman; is that the way you take the residences of these parties?—A. I inquired in I don't know how many places, but more than one, probably half a dozen, before I got this precise information.

Q. But you see there is a great deal of difference between 1426 and 2126 Jackson. It is only mentioned here to show how you put down the information that you got. Now, which of you are correct in that?—A. Well, I certainly put down the information that I got, and it is 2126 Jackson street.

163 Q. Although you vary as to where he had moved to?—A. I do not know what Mr. Wolff put down.

Q. Now, you say he moved about seven months ago; that is about election times?—A. Well, say, positively, seven months ago; seven months ago he moved to 2126 Dickson street.

Q. Now, didn't they tell you that he moved to Frenchtown?—A. No, sir; some of them did; hold on; I think so; some of them said he had and they recommended me to this party; I didn't put down the names; they said they would know just exactly where he had moved to; they told me he had moved to 2126 Jackson.

Q. Well, people then did tell you that he had moved to French-
164 town. Now, didn't they tell you further that he had lived there up to the 5th day of January, 1881?—A. No, sir.

Q. Now, who did you see in that case?—A. Well, I didn't put down the names of the parties; I generally went to their houses and inquired about those right in the immediate neighborhood; I wouldn't go to the house myself if I could find out—if I could get information outside of the house.

Q. You are sure they didn't tell you that?—A. Because it is a very delicate thing to do that; they would want to know what I wanted with them.

Q. For that reason you were delicate about going to the houses?—A. Yes, sir.

165 Q. So you preferred to get outside information?—A. I preferred to get it from the neighbors instead of from the people themselves.

Q. Don't you think it would be more correct to get it from the people who lived in the houses to which you were directed?—A. No, sir.

Q. You think it would be better to ask outsiders who have no business whatsoever with these people and don't care what their statements

be that they may make in regard to the date of their removal?—
[In fact you can't get a statement of people that don't live there.

Then why not go to the houses, those to which you were directed,
try and get any information?—A. I did when I couldn't get any
information any other way; I always preferred that way; I had
700 cards and had to go according to my judgment; I had to get
the best information that I could in regard to people living or
living at these places; I could go to the house, of course, but I
didn't ask an empty house; I had to go to the parties who still lived
in that neighborhood.

You have only testified to a small portion of the cards that were
sent to you?—A. Yes, sir; a small portion.

A portion of them you found correct?—A. Yes, sir.

If you went to a house you would have got at least the date
at which the people moved into the house, 1422 North Second?—
A. As far as I could I would; they probably have said I have
been living here a couple of months.

Q. You don't know what they would have said unless you went
and saw them?—A. Some of them told me that they weren't
there; that this man wasn't there; because the house had been empty
in November.

A great many things might be made use of, but we want to know
exactly what is the fact, and the better way to ascertain the fact
in the case of Wilson Donovan would have been to have gone to the
house, 1427 North Second, and ask the people living there at what time
Donovan moved from this house, whether in January, 1881, or when
he did move. Now, why didn't you do that in this case?—A. In all
probability I have done it.

Q. I am not asking you about probabilities, because we could
have elected General Hancock upon probabilities.

Mr. POLLARD. And that is the only way you could have elected

By Mr. DONOVAN:

We are asking about the facts here?—A. Yes, sir.

What did you do? You asked a little boy on the outside?—A. I
was at his house. I think they said they didn't know anything about

Now, why is it that you tell me in one breath that in all proba-
bility you were at the house, and then you tell me in the next breath
that you were at the house. Which of the two statements is correct?

Well, the last one, that I was at the house.

Who did you see there?—A. I don't know who the people were.
I am not acquainted with them.

Q. Now, when was Michael Croak's house torn down—1507 North
Main?—A. I don't know exactly when it was torn down.

Well, then, if you don't know when it was torn down, why do
you say it was torn down in October?—A. I didn't say so, sir.

Do you know whether it was torn down in October, or November,
or December?—A. No, sir; I do not know positively.

Well, inasmuch as the contestee's canvasser reports that Michael
Croak lived right there, lived there in November, and the house was
torn down in that month; that he then moved to 223 Florida street,
and since the election, is his information as likely to be correct as
yours?—A. I don't know anything about him at all. I don't
know whether his word is good for anything or not.

Q. Well, you were giving particulars on your direct examination. I thought you did know something about it; and the particulars that you did give was that the house was torn down in October; that you inquired of several parties who gave particular information in regard to the matter. Now, you say you don't know anything about it?—A. I don't know anything about the house being torn down. I only know it is torn down.

Q. What is the use of tearing it down, then, before the election?—Wouldn't it have been just as convenient for you to tear it down after the election?—A. I didn't tear it down at all.

172 Q. But you metaphorically tore it down?—A. Not at all, sir. I say it's torn down.

Q. And that is all that you know about it. You have not fixed the date that it was torn down. You only report that it was torn down?—A. Yes, sir.

Q. And the record will supply the balance. Now, is there any different report in regard to Pat Croak, of the same number?—A. No, sir; the same.

Q. House torn down; and that is all that you have got to say about it?—A. Yes, sir; and it says he removed about the fifteenth day of October to Florida, near Main.

Q. Why couldn't you report the same thing about Michael Croak's father?—A. Well, that's the same.

Q. Why didn't you say so?—A. You didn't ask me.

173 Q. Well, I thought I had spoken about ten or fifteen minutes ago of Michael Croak here, and you told me before that all that you knew about it was that the house is torn down. Your recollection must be very treacherous. Your recollection is not worth a fig?—A. It don't seem so, if you are to be taken as an authority on that subject.

Q. Now, although all these people lived in that house up to the time that it was torn down, it is simply a question as to when it was torn down; isn't that the fact?—A. I don't know.

Q. And if just as accurate information as you have given shows that that house was torn down in the latter part of November, why, it's worthy of as much credence as the information that you received from these parties?—A. No, sir. I say I don't know whether these people lived in the house when it was torn down. I say I know that the house was torn down.

Q. Give me your report of Ed. Foley, 1509 North Main?—A. Removed from there during the month of October to Second, between Biddle and Carr.

Q. Is that all the report that you have got there?—A. That is all the report I have got.

Q. Not another word?—A. That is all.

Q. Now, don't you know that this house, 1509 Main street, was torn down at the same time as 1507 North Main street, and that all the parties moved out the same time, and that you could elicit that information from most anybody in the neighborhood?—A. No, sir.

175 Q. Was it or not torn down at the same time as 1507?—A. I don't know whether it was or not.

Q. What is there now on the site of those two buildings?—A. One place there is a cellar foundation, with a building on the other side; the Saint Louis Stamping Company have already erected a machine-shop and warehouse.

Q. And don't you know that both of those buildings were torn down,

at the same time to make room for these improvements?—A. I do not know that.

. Now, give us your information in regard to Nicholas Fitzpatrick?

. That's the same.

Q. Just read it to us, if you please.—A. Removed during the month of October to Second, near Florida.

Q. And that is all the information that you have got?—A. Yes, sir.

. Is not that another one of the tenants of that house, 1509 North Second street, which was torn down at the same time as 1507?—A. Yes, it is.

. Why didn't you report that fact; isn't that a thing that would impress itself upon the mind of a man more than the simple fact of removal?—A. I don't know when those houses were torn down.

. Could you not ascertain from the neighbors that the people moved out of those houses, because they had all to be torn down, and that they were torn down in the latter part of November?—A.

No, sir; I don't know when they were torn down; I asked several of them.

. If you asked as to their moving away; why didn't you ask also when those houses were torn down; why didn't you give them the fact as well as the time of their removal—the fact about the house being torn down?—A. I did.

. Well, give us all the information, then.—A. Well, I went to a friend of mine in the Saint Louis Stamping Company; he said they commenced to tear down at his house on the first of February. When I asked him when they commenced tearing down the first one in that row, he said he didn't know; I asked him who are the parties that occupied the house; he said he didn't know.

Q. And that is where you got your information?—A. No, sir; I got all the information; I went all around and inquired from these parties, and inquired when these parties moved away.

. That was February, of this year?—A. Yes, sir; they told me that they had moved away; one man told me that Mike Croak hadn't lived there for two years; he was pumping water at the Saint Louis Stamping Company; he hadn't lived there for two years.

. Did you see him when he told you that?—A. I didn't see him; I was told so; I didn't take just one statement from any one party to report that.

Q. You evidently didn't do so, because you come here and swear that he moved away in October.—A. I swore that is the information I got.

. So then, one man told you he moved two years ago, and another told you he moved last October from there, and you selected the latter that you told here?—A. Several of them told me that.

. Told you which?—A. That those parties had moved out there in the last of October some time.

. So then, you did get a variety of information when you solicited it?—A. Yes, sir.

. And you can move the man in almost any month of the year, can you not?—A. No, sir.

Q. If it was desirable you could have moved him off in September some time; somebody there could have told you that?—

A. If I had a landlord's summons I might have moved him out.

. If it was desirable to have moved him in September it was easy enough to have somebody in the neighborhood say he moved in Sep-

tember, and write it down on the card and say so?—A. Such things might be done; that is possible.

Q. And in all probability it has been done, has it not?—A. You must be judge of that; I can't judge in this case; I am only a witness.

181 Q. Did you inquire for a man named John Crowley?—A. Yes, sir.

Q. At 1528 North Second street?—A. Yes, sir.

Q. While, according to just as creditable a gentlemen as yourself, it is reported that he has lived for fourteen years there; now please give us your information regarding that bold case.—A. I couldn't find neither the number nor the man.

Q. Did you want to find him?—A. Yes, sir.

Q. Or did you want to find if there was any such number? What did you report?—A. I wanted to find the man at that number.

Q. You wouldn't care about finding him next door?—A. I looked for him no place except where the card is addressed.

182 Q. You only wanted to find him there, and if you didn't find him at that particular house you didn't look for him elsewhere?—A. That is so.

Q. If he lived next door for 14 years that is a matter of indifference to you?—A. I looked for these parties where my cards were addressed to. Where the people moved to I didn't follow up.

Q. But if they lived next door for 14 years, that was a thing that you were careful to conceal and simply report here that there was no such number as 1528 North 2d. Is that the way that you conducted your business?—A. No, sir.

Q. How did you conduct it?—A. Well, sir, I went to the number right where the card is addressed.

Q. What is your report on your card in regard to this man?—A. That there is no such number.

Q. Now, why didn't you seek for the gentleman who has been living right there next door for 14 years? You couldn't have stumbled across a man, woman, or child in that neighborhood that wouldn't have informed you of that fact; why didn't you ask?—A. I looked for the number; I couldn't find it, of course I thought it was a fraud.

Q. Of course you thought it was a fraud and in regard to almost every case you did not search the neighborhood through or you couldn't find the man; you answered there was no such man; why do you say there was no such number?—A. I say there is no such number.

Q. In answer to Mr. Metcalfe's question here this morning you stated that you inquired all around in that locality at the grocery stores and everywhere else where you could gain information; now you tell me that you didn't seek the man if he was not at the particular number stated on your card?—A. I never sought the man.

Q. Well, then, it is not true what you stated to Mr. Metcalfe this morning, that you always searched around the neighborhood to see if you could find the man?—A. I didn't make that statement.

185 Q. You did in answer to every question that he put to you?—A. I guess not; my statement must be on record.

Q. You let that stand on a guess, will you?

Mr. POLLARD. I protest against that—to such method of examination. The gentleman can have all the time he wants; he can work until morning if he desires to, but I protest against badgering the witness up and down, filling the record at our expense, for the purpose of making us pay for it.

Mr. DONOVAN. If Mr. Pollard wants to make a speech at this time, let him take plenty of time and do it; if he wants to take 20 pages I will let him take the time.

Mr. POLLARD. I protest against this method of examining the witness; that is to say, putting about 16 questions into one and expecting the witness—or endeavoring to make him answer yes, or no, purposely deceiving the witness—maliciously deceiving the witness, wilfully deceiving the witness.

Mr. DONOVAN. I am asking this witness which of his two statements are true, made here this day; one made to Mr. Metcalfe that he invariably sought around through the neighborhood to find the man, and the one just now made that if he didn't find the party just at the number which is called for on his card he sought no further. Now I would like to have an answer to that.

187 A. Well, sir, when there is no house for the person to occupy, and his letters are addressed to that house or the card is, then I came to the conclusion that he didn't live there. But if there is such a number I went there and inquired whether such and such a man was living there or whether he had been there.

Q. Oh, then, you formed conclusions yourself on taking a look at the house, and if you found it not to be tenatable, why you concluded that the man did not live there, never had lived there, but that he had moved away in October?—A. If I found the place where the number ought to be and found no house there, I couldn't make any further inquiry there.

88 Q. The actual fact is that you did not wish to find Mr. Crowley, the gentleman who was living there for fourteen years?—A. He might be living there for twenty years for all I know.

Q. You would just look for the number on your card, just where he ought to live according to the directions that you had, and if he didn't live there you would seek no further for him?—A. I looked at the number where I had the address on the card; if there was such a number I could make the inquiries of parties who did reside there.

Q. But if there is no such number, you stopped right there?—A. Yes, sir.

Q. Although the gentleman may be the oldest inhabitant, you would seek no further for him?—A. No, sir.

Q. Now have you made any different report than has been made by the canvasser of the contestee in this case in regard to the name of Pat. Hurg, 1548 North 2d. haven't you simply reported that you found Mr. King there, and that that was simply a misspelling of his name, he wrote it so badly?—That is all; that is just simply the fact.

Q. Well, the canvassers for the contestee report the same fact; what were you sent up there to do?—A. I was sent up there to see whether Hurg or Huey or such a man lived there.

Q. And you found a gentleman by the name of King?—A.

Yes, sir, I found his name was King.

0 Q. But not being an expert at penmanship, it looked like Huey?—A. I don't know whether this was the gentleman really or not, I found a man that represented himself as Pat. King in that case; of course I don't know what the name was, I don't know anything about that.

Q. When did Michael Sloney move from 209 Florida street? Some gentleman on behalf of the contestant reported, I believe it was Mr.

Wolf, that he never lived there.—A. Well, he was right; there used to be a Michael Sloey living there, but moved to just opposite Mullaley's about seven months ago; Sloney never lived there.

Q. Aint Sloney and Sloey the same person, the same identical man?

—A. I don't know that.

191 Q. Is that another trick that you have of taking advantage of a letter in a man's name?—A. No, sir.

Q. You have shown how you take advantage of numbers; now, do you also take advantage of letters in the same way?—A. By no means; they are just facts.

Q. Now, you find the man named Michael Sloney or Michael Sloey, living right at that place; how long did he live there?—A. I don't know.

Q. Was he not living there for some six years?—A. I don't know.

Q. When did he move away?—A. About seven months ago.

Q. What did you mean by seven months ago; why do you put
192 the word about there; from what old fishwoman did you get it?
—A. I did not get the exact date.

Q. Don't you want to convey the impression here that he moved away before the election, when you are undecided yourself as to when he did move?—A. That would be my own impression. I don't want to convey the impression that you infer. I say I just told the thing as I got it.

Q. Now, isn't it an actual fact that the man moved months after the election?—A. I don't know that fact.

Q. You do not know?—A. No, sir.

Q. So you think you made mush out of that case?—A. I don't
193 know what I made of it. I am sure I don't know what it is for even.

Q. Now, when you went to 515 Carr street and inquired for William Burns, did you see Mrs. Lee there?—A. I saw Mr. Lee; a gentleman representing himself to be Mr. Lee.

Q. Do you know Mr. Lee's politics?—A. No, sir; I do not.

Q. Did you see Mrs. Lee?—A. No, sir.

Q. Is that a boarding-house?—A. Well, that is what they represent it; they have furnished rooms; I understood him to say so.

Q. Now, how long was William Burns boarding with him?—A. Mr. Lee said that he didn't know him.

Q. Why didn't you ask Mrs. Lee? She keeps the boarding-house, not Mr. Lee; he tends to his business, or is probably drunk all the
194 time.—A. I rang the bell and he came to the door. I went to another house; I went to 1515 first; they said that Lee was living there previously, and that he was now next door; they didn't know anything about Mr. Burns; probably he was one of Lee's boarders; so I went there and rang the bell; Mr. Lee came to the door, and he said there was no one there by that name.

Q. Was he drunk or sober?—A. He was apparently sober when I saw him.

Q. What do you mean by "apparently sober?" Was he sober or or drunk?—A. I am not a physician.

Q. So you can't diagnose his case sufficiently and inform us at the present time as to the condition of sobriety which he was
195 in?—A. No, sir.

Q. Well, now, as Mrs. Lee keeps the boarding-house, why didn't you ask her?—A. I was not aware of that fact.

Q. Why didn't you go to her in the first place, instead of going to her

ighbors?—A. I went to the place addressed on this card; they didn't
be there—Lee didn't—he had moved into the next house.

Q. Did you explain your business to Mr. Lee?—A. I did not.

Q. Well, now, if a gentleman who is entitled to the same credence as
yourself saw Mrs. Lee, the keeper of the boarding-house, who
6 told him that Mr. Burns had boarded with her up to the 20th of
December, isn't her word to that effect just as good as Mr. Lee's
word?—A. Well, I must confess I am not acquainted with the charac-
ters of these parties, or else I might give an opinion on that.

Q. Well, she knows who boards with her and who doesn't, don't you
think so, since she has got charge of that boarding-house?—A. She
ought to.

Q. Well, now, just please tell me what you reported in regard to Ed.
Sheahy, 516 O'Fallon street?—A. Well, sir, the report is, that no such
person had lived there within the last 8 years.

7 Q. What sort of a house is it?—A. But there was a person by
the name of Pat. Shield, formerly lived there, and he moved
away 2 years ago to 712 O'Fallon, and Mrs. Sheahy, who lives at 520,
told me that she was satisfied that such party had lived there. I went
2 or 3 other parties right next door, and opposite on the other side
of the street.

Q. You didn't do that in the case of John Crowley, who lived next
door for fourteen years; why didn't you exercise the same degree of
diligence in regard to Mr. Crowley as you did about Mr. Sheahy?—A.
For the simple reason that this number is there; because this number,
516 O'Fallon street, is there.

8 Q. Well, now, if Mr. Dickey was informed that Mr. Sheahy
lived there, and had lived there since October last, and was liv-
ing there then, by the people keeping the house, what would you say
in regard to his information, whether it was more or less reliable than
our information?—A. Well, I think mine was correct.

Q. Although you missed finding John Crowley, who lived next door
for fourteen years. Did you say you went to the house of Mr. William

Atwood, 1719 North Seventh street?—A. I was at the house, sir.

Q. What sort of a house is that?—A. I don't remember.

Q. Was it a brick house or frame house?—A. I don't remember the
kind of house it was.

9 Q. Now, don't you know that you never went to any such
house?—A. No, sir; I did go to the house.

Q. Do you know how far the numbers run up on that street? Don't
look at your cards to ascertain that.—A. No; I don't know how
far they run up.

Q. Do you know whether or not they run up above 1600?—A. I do
not; yes, sir—on Seventeenth street; yes, sir, they do run as high as
1600.

Q. Your inquiries were directed to finding Mr. Atwood and not Mr.
N. Alvors?—A. No, sir.

Q. You only inquired for Atwood?—A. Yes, sir.

10 Q. And you found that he had lived there?—A. No, sir.

Q. What did you find?—A. I found that there was Charles
Norman and John Atwood, who had moved to Eighth and Carr street
about January 1, 1881.

Q. Did Mr. Alvors move at the same time?—A. They said they didn't
know Alvors, or anything about him.

Q. And you learned that Atwood moved away from there about Jan-
uary 1?—A. Three of them did.

Q. Whoever made this report didn't know any of them; how do you account for that?—A. There are a great many mutton-heads in the world; I can't account for that.

201 Q. Mr. Golby reports that he couldn't find any Atwoods at this place; now you find three?—A. Yes; I didn't find them there; they had been there.

Q. You found they had been there?—A. Yes, sir.

Q. Now, does not Charles McGindley own the property at 816 Mound street?—A. I don't know who the owner of that property is, sir.

Q. Did you find Charles McGindley?—A. No, sir.

Q. Didn't find him at all?—A. No, sir; I found that he had lived there; yes, sir.

Q. Mr. Golby, the contestant's canvasser, found him, and said that he had moved four doors below, why couldn't you give the same
202 information; he still residing in the same voting precinct, on the same block, only two or three houses below?—A. Well, I don't know anything about what he found; I was informed that he had removed from there about eight months ago.

Q. That he had moved from there—he had moved three or four houses below that?—A. That might be.

Q. Why didn't you go there and see him and ask him when he had moved?—A. Well, my instructions were to find whether these people lived there and when they had moved, how long ago.

Q. You didn't care about finding the man?—A. I didn't care.
203 when he had moved; he may have gone to Texas for all I cared.

Q. You simply contented yourself with reporting Patrick Han-
non as not living at 718 Biddle street?—A. No, sir; I haven't got that on my card here at all.

Q. What have you got?—A. 713.

Q. 713?—A. Yes, sir.

Q. Well, now, did you look at 813 Biddle for him, where the canvassers for the contestee placed him and found him living?—A. No, sir; I didn't look for him there.

Q. I thought you gentlemen were called upon to contradict what the canvassers for contestee stated?—A. Well, I had no special instructions in regard to that.

204 Q. Were you not informed as to what they said?—A. No, sir; I didn't know what the object was until within a few days past.

Q. Why didn't you contradict the opposite report; it was to the effect that this gentleman was not living here, but living at 813 Biddle street?—A. I have already told you that I didn't know the object until within a few days past—that is, in regard to canvassing these matters, or else I might have done something of that kind.

Q. Now, you wipe out of existence John Maher, 1308 North 8th, and report that there is no such person; is that true or not?—A. Yes,
sir; there is no such person ever lived there.

205 Q. Did you have the industry or diligence to step four houses below, at No. 1320, to see the gentleman himself there?—A. No, sir.

Q. Where he has been living for years, and where the canvassers for the contestee placed him?—A. No, sir; I did not.

Q. And we have found him?—A. No, sir; I did not go there.

Q. Did you not regard, then, that you were sent on a sort of idle errand, to go and make reports that were contradicting nothing?—A. No, sir; I went strictly according to the instructions and facts; my instructions were to inquire at 1328 North 8th street for John Maher.

Q. Well, I suppose that, in regard to Mr. Kehoe, 1328 North 8th street, you acted in a similar way, and reported that nobody saw him; but why didn't you go on the same block to 1330 North 8th street, upstairs, where you would have ascertained that the gentleman was living for the past three years, and where the canvassers for the contestee found him and swore that that was the place that he lived in?—A. He may have lived there for all I know; I don't know whether he does or not; I didn't go there to ask for him.

Q. Well, you didn't go to 1338, where the gentleman lives?—A. I don't think I did; that is the best of my recollection.

Q. Well, inasmuch as Mr. Golby reported that he was not known at 1328, what was the use of your going there to ascertain the same fact, when it contradicts nothing?—A. I don't know anything about that.

Q. For if you were sent for any purpose, you were sent to contradict the statement of Mr. Elder, the canvasser of the contestee, who swore that he had been living there for several years?—A. I had no connection with any canvassers, so-called, or with anybody in this case. I went altogether on my own responsibility. I had no instructions at the object was in doing this thing, therefore, that settles it so far as anybody else is concerned in the case.

Q. You report that John Matt, at 1428 North 10th, had moved away one year ago; is that so?—A. Yes, sir; that is a fact.

Q. Now, do you not know the fact to be that no man of the name John Matt ever had lived there, but that the gentleman who had lived there was named John Matthews, and he was living there when you went there, and had been ever since last August?—A. That might be, I didn't inquire for Matthews, I went and inquired for John Matt; I don't know anything about the other.

Q. Why couldn't you find John Reilly at 1251 North Ninth?—A. I don't know; they didn't know him.

Q. Did you make use of your usual method of going to other places than the house itself to inquire?—A. Yes, sir; I did.

Q. Why didn't you go upstairs in the house itself and find the gentleman where he is living and has for years?—A. I don't think he lives upstairs, sir; else I should have found him, or some one would have known him.

Q. Somebody didn't know him?—A. They didn't.

Q. Well I for one didn't know him; is that any reason that he didn't live upstairs?

WITNESS. Do you live next door to him?

COUNSEL. No, I don't live next door to him.

A. I inquired all around.

Q. That was a peculiar method of yours of inquiring all around and not to go to the man himself, wasn't it?—A. No, it was not.

Q. Who did you inquire for at 915 Cass avenue, was it T. H. Coffey, or T. H. Croffy, or S. H. Craffy?—A. T. H. Craffy.

Q. Well, what sort of a looking house is that?—A. I don't remember, and so many of these cards I don't remember each house, the looks of the house I didn't pay any attention to that.

Q. Do you know how long he had lived at that place?—A. No, sir; I don't remember.

Q. Isn't the house right on the street?

WITNESS. Fronting the street you mean?

COUNSEL. Yes.

A. No, sir, it does not; well, it fronts on the street, it sets away back.

Q. Well, now, you elicited the information that he moved away
211 from there December first; is that so?—A. I was told that he had
moved from there about eight months ago to Eighteenth and
Franklin avenue.

Q. Well, is that as near as you can get to it, that he had moved about
that time?—A. That is as near as I can come to it.

Q. Well, that is somewhere about election time?—A. No, sir; that
is long before election day.

Q. Oh, you are always particular to have the "about" kick the bal-
ance prior to the election?—A. Well, no, I was not particular about
that.

Q. Well, now, if the information was given regarding this man, that
he moved from there December first, is it likely that you both
212 met the same party in seeking for information?—A. I don't un-
derstand you.

Q. I say if the information has been given to another party that this
man moved from there about December first, is it probable that your-
self and this other party met the same informant?—A. I didn't think
so, sir; it is possible, however.

Q. Did you see a man or woman when you went to inquire for that
man?—A. I saw a woman.

Q. Was she at the house or at the side of it?—A. Yes, sir; she was
next door to this number.

Q. Which number?—A. It was east, I think, if I am not mistaken;
I am not positive, because I didn't keep these things in my mind.

213 Q. Well, now, if these people themselves have informed Mr.
Dickey that they moved from the house December first, are they
not as apt to know when they did move away from there as some
neighbor who didn't take such a lively interest in their affairs?—A. I
don't know, they ought to be; I don't like to express an opinion about
that case anyway.

Q. Now what is your information in regard to John Wirthlin, 1003
Biddle street?—A. Well, he left here before the election; he was kicked
out for not paying his board; the landlord told me this himself, and he
said that he told him, the landlord, that he was coming back on elec-
tion day to vote, and when he come back to vote he would pay
214 him. He said he came back to vote, but never paid him; he went
down to Frenchtown, he told the landlord here that whenever
the election day came he would come back; the landlord called him all
kinds of bad names. But it is not necessary to mention that here, be-
cause it cuts no figure in the case anyhow.

Q. I leave that to your choice, sir, whether you choose to speak it or
not, I don't desire it. Now, when did he go away?—A. He didn't say
exactly what date; he said it was before election.

Q. A month or two?—A. He didn't state the time.

Q. How long was it, two months or three months; how long?—A. He
didn't state the time.

215 Q. Give us an idea about how long it was?—A. I couldn't give
you an idea, because he told me the very words that I have used,
that sometime before the election he kicked him out, and he said he was
coming back on election day to vote and pay him.

Q. Do you think it was as much as six months before the election?—
A. I have no opinion in the case.

Q. Was it two years before the election?—A. I don't know anything
about it, except what I have said.

Q. Do you believe it was two years before the election?—A. Now,

216 you ask me what I believe, I don't think that cuts any figure in the case, I would hate to tell you what I believe; he says it was just shortly before the election.

Q. I thought so, and therefore if a mail letter carrier by the name of Grimms stated it was two years before he was not correct?—A. No, I shouldn't think so.

Q. And if Mr. Golby stated it was six months before the election he was not correct either then, if it was just before the election, according to your information?—A. I am just telling you what the landlord stated to me.

Q. Now, if the landlord stated to several other parties that this man boarded there in November, 1880, is the statement made by him 217 to the canvassers of the contestee, and the statement made by him to you, both true?—A. They couldn't both be true, that is plain enough.

Q. Which of these is the truthful statement?—A. You will have to ask him about that, that was the statement he made to me.

218 Q. Now, you couldn't find anything at all about Mike Gormley, 1001 Biddle street?—A. No, sir; I could not.

Q. Did you go upstairs to room seven (7) and knock at the door, and inquire for him there?—A. No, sir; I did not.

Q. Don't you know that he lives in room number seven (7), right up in that building?—A. No, sir; I do not.

Q. Don't you know that 1001 and 1003 are the same house upstairs?—A. Yes, sir; flats. I was informed so. I don't know that.

Q. The entrance is 1001, and his room is number (7), seven, upstairs?—A. No, sir; there is another party in 1001. Excuse me.

Q. Did you ask the owner of the house from whom Mr. Gormley 219 rented room number seven?—A. No, sir.

Q. Why didn't you go to the owner of the house?—A. Who is the owner?

Q. Who keeps the restaurant on the corner, and boards these gentlemen; why didn't you ask him?

WITNESS. That is a boarding-house, isn't it?

Q. Now, you are on the stand, and yet you are asking me if that is a boarding-house. The keeper of that boarding-house has given that information to a party that came there and would have given it to any one else who had chosen to go there for it.—A. I simply stated what I heard. I inquired at 1001 and 1003, and I sent upstairs to the landlord and had him asked about it. He said he didn't know any such party.

220 Q. So you had him asked, did you?—A. Yes, sir.

Q. Why didn't you ask him yourself?—A. Because he was up in his own private room.

Q. Why didn't you go up and see him, instead of sending up to him?—A. This was his business manager. He ought to know it himself.

Q. Doesn't he manage his own business; isn't the most of his time spent in the restaurant, on the corner, superintending his own affairs?—A. I didn't find him at all.

Q. So you took this second hand then? You sent upstairs, and you don't know whether he was the landlord or not?—A. I don't know whether he saw him or not.

221 Q. But he came down-stairs and told you he did not know anything about it?—A. He said there was no such man there.

Q. Well, is your information likely to be very correct then? The owner of the property himself did give the information in unmistakable terms that the man did live there, and had been living there for a very

long time, and his room was number seven, upstairs, and that the letter carriers knew him and frequently delivered mail to him at that house? —A. Well, I don't want to express any opinion in the case. I just simply stated facts. I went to 1001 and 1003 both, and I couldn't find him.

Q. Well, if Michael Gormley came down to our office, when we
222 were there examining on behalf of the contestee, and presented himself to me, and informed me that he lived just exactly where the landlord stated he did, is he likely to be better acquainted with the fact of where he lives than you are?—A. I don't know anything about it.

Mr. POLLARD. You would not put him on the stand if he had so come there.

Mr. DONOVAN. It was too late to give notice of it. He came down there and saw me about it.

Q. (To the witness.) Now, you went to 1108 North Thirteenth and inquired for James Moran, so did other people go there before you and reported that he was not known, but the contestee proved
223 that he lived in the rear of 1118, on that same block. Did you inquire at the latter place for him?—A. No, sir; I did not.

Q. Why didn't you?—A. I inquired for him at Thirteenth street, and he was not known there.

Q. Of course he was not known there. Why didn't you go to 1118, where the contestee's canvassers found the gentleman living?—A. I don't know anything about the contestee's canvassers.

Q. You have been searching all around the neighborhood, as you say, why didn't you search around that neighborhood?—A. For the simple reason that I was instructed to look for the person and place of
224 residence on this card, and not to look for them in any other part of the city.

Q. Well, do you simply content yourself to say that J. O'Toole was not at 1017 North Fourteenth street?—A. Well, I simply say that he is not known there and not found; and he has not been here, to the knowledge of the witness, for the last seven months.

Q. Who lives at 1017 North Fourteenth street?—A. Mr. Laugenbeck.

Q. Was he ever at 1017 North Fourteenth street?—A. I don't know that.

Q. Well, of course he was not, because the contestant's canvassers found him living at 1010 North Fourteenth street; why didn't you go to that place to see whether the canvassers for the contestee told the truth or not? That is right in the immediate vicinity. That is
225 not very far from it on the opposite side of the street. Why didn't you go there?—A. If I had known that he lived there I would probably have gone there.

Q. Now, you say you didn't find Mr. Hennessy at 2001 Biddle?—A. No, sir; I did not.

Q. Why didn't you find Mr. Hennessy there; Mr. Hennessy certainly lives there?—A. There is a Hennessy lives there.

Q. Then you did find a Hennessy?—A. But not the one I was looking for.

Q. You wanted to find Mr. Thomas Hennessy there?—A. Yes, sir.

Q. And you found that he spelled Thomas—Patrick?—A. Well, I didn't ask him how he spelled his name.

226 Q. It suited your purpose just as well to find a mistake in his first name, did it not?—A. I had no purpose because I didn't know what the object was.

Q. Do you mean to say that you didn't know what the object was in going around with these cards?—A. No, sir; I did not.

Q. Now didn't you know that they were to be used in this contested election case?—A. Yes, sir.

Q. Then, you did know what they were?—A. I didn't know whether they were votes that were to be brought in as rejected or whether they were on one side or the other.

Q. You were not working for Mr. Frost in this matter?—A. No, sir; I was working for Mr. Wieseahn.

Q. Mr. Wieseahn is the supreme adviser and the grand
227 factotum for Mr. Sessinghaus in this case?—A. I guess he is something of that sort, but not exactly such high-sounding titles as that.

Q. Mr. Metcalfe asked you for about three or four Smiths at 2124 Biddle street; the canvasser for the contestee made his report to the effect that Mr. James Smith lived at 2122½ Biddle street, and had lived there for about 20 years; did you elicit any information going to prove his statement to be untrue?—A. No, sir; I found exactly the same thing—2122½ Biddle street, sir.

Q. You found just exactly the same state of facts in regard to James Smith and the same residence?—A. Yes, sir.

228 Q. That was given by somebody to a canvasser for the contestee—the same thing.

Q. You ask me 2122½ Biddle, and I say that is all right.

Q. Where did you go to inquire for James Shea; did you go to 1616 North 16th street, where the canvasser for the contestee found him living for 5 years?—A. No, sir; I did not.

Q. You went where the canvasser for the contestant failed to find him, which was 1316 on the same street?—A. Yes, sir.

Q. Why didn't you go to 1616, since you were sent up there to rebut something?—A. I was not called upon to rebut anything.

Q. What is the sense of going to a place where you know you
229 aint going to find the man when you are directed exactly where he lives, which is not 1316 but 1616 on the same street?—A. I was not directed there.

Q. Now, Mr. Wolff reports in regard to Mr. Savage, on 18th street, that he doesn't live there, and Mr. Hardwig reports in regard to this same man that he is not found; now did you find him? Our canvassers—the canvassers for the contestee—say that he lives at 1410 North 18th street, and has lived there for two years.

WITNESS. What Savage is that?

COUNSEL. It is Savage; I don't care whether it is John or Jerry or any other misspelled name.

A. I didn't find Jerry Savage on 18th and O'Fallon.

230 Q. Where did you find him?—A. Well, I didn't find Jerry Savage at all.

Q. What have you got on your card?—A. I found John Savage some place.

Q. Where?—A. At 1410 North 18th, I think it is.

Q. Now, because you found that this man's first name was misspelled you take the trouble to go from 18th and O'Fallon to hunt him up at 1410 North 18th street in same vicinity; why didn't you take the trouble also to find John Crawly, who lived 14 years in the same neighborhood, and his name was not misspelled in any respect? Was it because you had a point on the first name here?—A. No; there is such a place,

231 where this man lives; this number is 1410 North 18th; there is such a place.

Q. Well, you found Mr. Savage, and it is not the truth that he is not known in that neighborhood?—A. I found Mr. John Savage; certainly I found him.

Q. And when your brother canvassers said that he was not known there, there was some mistake about it was there not?—A. I had some trouble to find it, though.

Q. Now, didn't you find Mr. McBride living in the vicinity of 1223 North Twenty-first or 1323 North Twenty-first, reported by Mr. Hardwig as not known?

WITNESS. McBride?

COUNSEL. Yes; McBride.

A. I found a McBride in that vicinity; some one I had known thirty odd years.

Q. You found him there?—A. Yes, sir.

232 Q. How is it that Mr. Hardwig would report him as not known?—A. I found Mr. Theodore McBride there. The card was addressed to O. R. McBride or C. R. McBride.

Q. Well, isn't this gentleman we were looking for the one you found?—A. I don't know.

Q. And you have known him for thirty years?—A. More than that. They said they didn't know R. C. McBride.

Q. Where did you find him?—A. I found him exactly where the card was addressed.

Q. Where did the card state?—A. 1323 North Twenty-first street.

Q. Did you go to 1223 North Twenty-first street?—A. I don't remember. I see that this number on this card has been changed, so I am not certain about it.

233 Q. How is it changed?—A. It is 1323; I don't know whether it was originally that way or not.

Q. Well, what else appears there?—A. I won't be positive whether it is 1323 or 1223.

Q. Where did you find this Mr. McBride; at which place?—A. I found him at just exactly where the card was addressed.

Q. The card has two addresses on it; you didn't find him at both places?—A. I didn't find C. R. McBride or O. R. McBride; I found Theodore McBride.

Q. Where did you find him, at both 1323 North Twenty-first and also 1223 North Twenty-first?—A. No, sir; I did not.

Q. Well, which one of those places did you find him at?—A. That is what I don't know. This number has been changed on my
234 card, and I don't know which is correct.

Q. Now, couldn't you get any information of A. L. McAllister, of 2119 O'Fallon street, who lived there last fall and on the 10th day of November moved away?

WITNESS. Where did he live?

COUNSEL. 2119 O'Fallon street.

A. No, sir; I couldn't get any information.

Q. Who did you ask?—A. I asked everybody in the neighborhood, and in three or four houses; I went into the house itself.

Q. You went to the house that you were dead sure that you couldn't find him in?

WITNESS. That I couldn't find him in? I went and inquired where he had lived before he moved away.

Q. But you knew you couldn't find him there, because he had

235 moved away; did you ask for the man?—A. They said they didn't know any such man; didn't know anything about any such man.

Q. Now, whodid you inquire for at 1221 North Seventh street, Michael Lee or Matthew Lee?—A. I haven't got that card here; no, sir, I haven't got anything of that kind; I don't think I have got a card addressed in that way.

Q. I have got you down in black and white, just as it came from your mouth, Matthew Lee.—A. No Matthew Lee here.

Q. Well, since you cannot find it in that bundle of memoranda which you have got in your hand, we will pass to the next name, P. Ryan, 2520 Cass avenue; what did you report in regard to him?

WITNESS. 2520 Cass avenue?

COUNSEL. Yes.

236 A. No, sir; I haven't got any such number.

Q. What have you got?—A. 2520 Cass avenue; what is the name?

Q. P. or T. Ryan.—A. P. Ryan I have; he left about the 15th day of October, 1880.

Q. How do you arrive at such a convenient date as that for his leaving?—A. I don't know where he lives; he works at the Iron Mountain depot. That is all they said.

Q. My question was, how do you arrive at such a convenient date as the 15th day of October?—A. I didn't say it was exactly at that date; I said about that date.

Q. What does this "about" mean? You use it very frequently.—

A. It means three or four days.

237 Q. Now, you think "about" means three or four days; well, does it mean three or four days or three or four months?—A. Some three or four days; it might be one day, but still it is very indefinite; it might be four or five days; if it were more than four, or five, or six, or seven days, you would say weeks.

Q. Well, you can't fix the exact date at which Mr. Ryan moved from 2520 Cass avenue?—A. No, sir.

Q. Now, if the canvasser for the contestee was informed that he had been living in there at that place for years and had moved some months after the election you can't impeach the integrity of the informant who communicated that fact to the gentleman that asked him for the information?—A. No, sir.

238 Q. Where did you find William P. Eads living. The canvasser for the contestee reports regarding him that he lived there up to last fall, and moved to Twenty-second and Division streets some time subsequent to the election; what did you ascertain?—A. I ascertained that he had moved to 2415 Division street before the election in November, 1880.

Q. Which information is correct, that he moved before or after; he moved after the election?—A. I don't know, really.

Q. You both can't have seen the same informant?—A. That is possible.

Q. Now, when and to what place did you move Michael Pendergast, from 1710 Mullanphy street; who was reported by Mr. Hard-
239 wig as not known?—A. Well, sir; all the information I could get is that this is the second removal to the place where he now lives, and that is 2206 Carr street.

Q. Didn't you hear of the gentleman?—A. I did.

Q. And he was known?—A. Yes, sir; he was well known in the

grocery and the grocery keeper told me he was there; he had seen him because he was a good customer and he knew him.

Q. How does it come that Mr. Hardwig could make such a sweeping report about a man that was known throughout the whole neighborhood and to the grocery keeper—how could he report that he was not known?—A. I only know Mr. Hardwig when I see him; I don't know anything more about him.

240 Q. Now, if the information came that he lived there for many years, was well known, and that he moved to the country on the first of February, 1881, is that information correct or not?—A. Not according to the information I got.

Q. You say that was the second removal; had he moved back from the country here recently to 2206 Carr street?—A. He has been living there for some months.

Q. He moved back again?—A. I don't know how long. I saw a policeman who lived in the same place—he came in from the country somewhere—that is the second place, according to the information that

I got, to which he moved since he left that on Mullauply street; 241 and they told me that he left there between six and seven months. He couldn't fix the date.

Q. They could not fix the date?—A. No, sir; they could not fix the date.

Q. But he had lived there for years and was well known, and moved some little time after the election?—A. They didn't speak about the election; they didn't say that exactly.

Q. Now, who did you find living on Twenty-sixth street, between Cass avenue and Dickson street; the gentleman whom Mr. Golby killed off two years ago, Matthew Dee; what did you ascertain about the gentleman, if in the land of the living?—A. According to my account he was living.

Q. How then does Mr. Golby kill him off in this manner?—A. Removed over one year ago to Twenty-sixth and O'Fallon or in 242 that neighborhood.

Q. That is in the same vicinity there, isn't it; in the same precinct?—A. Well, I really don't know how the precincts run out there; it is not very far away.

Q. Well, the information given about Matthew Dee by the canvasser for the contestee was, not only that he was not dead, but that he was living there a long time; that he was there in November; that he lives there now; was that information correct?—A. Not according to the statement of the grocery man there; he lived somewhere in the neighborhood; but he says he had moved away from that place some time ago; a year ago.

Q. He might have been mistaken?—A. Of course, everything 243 is possible; nothing is impossible, if you come to that.

Q. If some party that knew a good deal more about him stated that he was living there; that he was not dead; that he lived there during the month of November, you would have good reason to doubt the veracity of the informant who gave you your information?—A. I would not like to give my opinion upon that, unless the character of the party is known to me that gave me the information.

Q. Did you look for John Sheehan at 1617 Wright street?—A. I did, sir.

Q. Where the canvasser for the contestee found him, and where he had been living for over a year?—A. Yes, sir.

244 Q. Well, if you did, what report did you make upon him?—A. There is no such number as 1624 Wright street.

Q. I didn't ask you for the number. Some gentleman dutifully reported that that was a vacant lot; but he lived three or four houses this side, at 1617; I ask you, did you inquire for him there?—A. I didn't inquire at 1617; I had no authority for going there.

Q. Why didn't you go to the next door, where the man had been living for a year, and where the canvassers for the contestant swear that they did find him, which was at number 1617?—A. That is not next door.

Q. That is next door to the house that you were inquiring in?

245 —A. No, sir; it is not.

Q. You went to 1624?—A. Yes, sir.

Q. Well, that is the one next door?—A. It is near there.

Q. Now, why didn't you go to the next house, where the gentleman lived?—A. That wouldn't make it 1617.

Q. That would be very near the house, if it is not the next house?—A. That is on the other side of the street.

Q. Why didn't you report this on the opposite side of the street?—A. Because I couldn't find him.

Q. Did you go to his house at 1617?—A. I did not know he was there, else I would have gone there; I never heard anything of him.

246 Q. You never went there to see; and yet that is where the canvassers for the contestee swore he had been living at for over a year?—A. I don't know that; I talked with the people generally in that locality.

Q. My question is, did you go to 1617 Wright street, where the canvassers for the contestee swore he had lived for over a year, and was living there now?—A. No, sir; no, sir.

Q. If you didn't go there, your answer that he is not known is rather loose; now, the canvassers for the contestee swore that Dennis F. Maloney lived, not at 4001 Kossuth avenue, but at 3939, which was just next door. Now, what did you report concerning Dennis F. Maloney; do you simply content yourself with "There is no such number"?—A. No, sir; I did not; there is such a number there; but another party has lived there within the knowledge of the informant a year and a half, and occupied that house himself.

Q. But did you go to the house 3939, which is just next door, where the contestant's canvassers inquired and found him?—A. No, sir.

Q. Why didn't you go to 3939?—A. Because—for the reason that Dennis Maloney is not known to me; I don't know the party; don't know where he lives; I inquired at 4001, where I was directed to inquire, and didn't find him there.

Q. You, then, were very content to find the gentleman not there; as soon as you found that he didn't live at 4001 that satisfied you; 248 it made no difference to you that he lived at 3939, right next door to it.—A. I inquired of this lady, and she said there was no such party living there, and she didn't know him.

Q. Since you started out to rebut something, and you having been informed that the gentleman lived, not at the number that you had on your card as originally given you, but at 3939, why didn't you go there and find the gentleman?—A. I didn't start out to rebut anything; that is where the difficulty comes in.

Q. Well, now, you went to 1209 Foster alley, and inquired for Timothy Slaterry?—A. Yes, sir.

Q. Our information was that he lived there for some time,
249 but had moved about January; did you find the same thing, or
did you strike any information that suited your purpose better?

—A. I found that he had moved from there about 8 months ago, to 1416
or 1418 North 8th street.

Q. Well, now, what do you mean by about? We got your definition
of that a short while ago.—A. When I speak about days, it don't in-
clude a week; when I speak about weeks, it don't include a month.

Q. And when you speak about months, it don't include a year, does
it?—A. No, sir.

Q. So he may have moved 7 or 8 months ago?—A. Yes, sir.

Q. Moved away before election time?—A. I don't know of course.
250 I couldn't state positively, because I got my information from
others.

Q. You can't place it any nearer by the word about; the information
that was elicited by a gentleman who went there on the behalf of the
contestee, was that he found that this party had moved after election;
might this information be correct, since you couldn't place it definitely?
—A. I certainly don't know anything about that.

Q. Now, the information about Tim. Hoolahan, 901 Biddle street, is
that he has lived there three (3) years, and moved to 1617 Biddle street
after the election, I presume you have moved him before the election;
if you can, please look at your card.—A. Yes, sir; he removed
251 from 901 Biddle street before the November election, 1880.

Q. I thought so.—A. He has moved to 16th and Biddle; I went
up there but I couldn't find him there; Tim. Reardon and his father-
in-law, Kellerman, I think his name is; they both said that this is a fact.

Q. At this number—they reside there themselves?—A. If they lied,
I am not responsible for it.

Q. Now, Mr. Jones, that scrupulous old gentleman, and for 12 years
a confidential clerk in the National Bank of the State of Missouri, swears
that he found James Flinton living in the rear of 1022 North 13th street,
and that he had been living there for eight years; now, please give us such
report as you made about it?—A. I found out that no James
252 Flinton lives there.

Q. Now, you found no such James Flinton living in 1022 North
13th street?—A. Yes, sir.

Q. Did you go into the rear where the man is now, and has been liv-
ing, according to this conscientious gentleman, for eight years?—A. I
will state that I inquired in the front and asked them whether there
was such a party living in the rear; they said there was no such party.

Q. Why didn't you go into the rear and look for him yourself, be-
cause that is where this report placed him, and not in the front?—A.
I thought that the people were telling the truth.

Q. But then, where was the use of your going up there; you
253 were sent up there to rebut something—because this testimony
now is all in rebuttal; Mr. Jones swears that this gentleman
lived in the rear of 1022 North 13th street for 8 years; why didn't you
go and try to ascertain whether his report was correct or not, and go to
the rear where you ought to have gone?—A. I don't know anything
about his report.

Q. I suppose you had too many of these cards; it was a great labor
to you, was it not?—A. Well, it was rather pleasant most of the time.

Q. You made it pleasant, did you not?—A. Yes, sir.

Q. Now again you report that John Duggan doesn't live at 1124
North 16th street?—A. Yes, sir.

254 Q. Your report was that he was not living at 1127 for two (2) years; did you inquire at 1127 at all?—A. I don't believe that I did.

Q. When you were looking to find the gentleman in the neighborhood you didn't search very diligently, did you?—A. I was instructed to look for these people at those numbers. I didn't propose to look over all the city to hunt them out.

Q. Well, now the same way you report in regard to P. J. O'Connor, 2135 or 3135 North 13th street; which number is it?

WITNESS. 3125.

Q. You report that there is no such number and no such name. Now, this same Mr. Jones swore upon the stand to these facts, that

Mr. Peter J. O'Connor, lived in the same house for 14 years.
255 There is no number on the house; it is the next house north of an ice-house on North 13th street, and the number is 3201 or 3203, a few doors north. Now, having this information to guide you did you go to that place and see whether Mr. Jones reported truthfully or not?—A. I don't know Mr. Jones; I don't know anything about him or his report.

Q. But knowing these things, did you go there to this gentleman, who had been living there for 14 years, in a house which is the next one to an ice-house on 13th street, a little this side of 3201 or 3203?—A. I inquired in that neighborhood. I was there twice or three times looking for this man and this number, and couldn't find either.

256 Q. Is it likely that you made a very diligent search, for the gentleman is living there now and has been living there for the past 14 years?—A. I had a great deal of trouble with that man trying to find him.

Q. And you didn't succeed, according to your own story; while Mr. Jones found him—the contestee's canvasser—and located him exactly?—A. I couldn't find him and I couldn't find the number.

Q. But the contestee's canvasser, stated that there was no number on the house, whatsoever; but that it was the house north of the ice-house, and that if there was a number on it, it would answer to 3125 North 13th street.—A. I know where the ice-house was?

257 Q. Why didn't you inquire in the next house to the ice-house?—A. That wouldn't place him at 3125.

Q. He says that he lives there with a number of individuals, at 3201?—A. I looked for 3225, and I couldn't find him, because there is no 3125. There is no such number on the gentleman's house. I asked others in that neighborhood.

Q. Can you have any confidence in the information that you received from people who told you that they knew nothing about a man who had been living there, right there in that same house, for 14 years? What would you think of your informants if they deceived you to that extent?—A. I don't think there was any such house; I saw the ice-house.

258 Q. Did you go to the house next north of the ice-house?—A. I don't remember that I went into it; no, sir.

Q. Did you inquire for John Newell, at 2023 Biddle street, or at 2026 where he is living now, and has been for the past 4 or 5 years, and is a gentleman who drives for Sloan & Stranahan?—A. I inquired for Mr. Newell—John—at 2023 Biddle street; yes, sir.

Q. But one of the canvassers for the contestee swore that he lived at 2026 Biddle street, and has been living there for the past four or five years, and informed these gentlemen exactly what he was, what his oc-

cupation was, and who his employers were.—A. No one seemed to know him at 2023.

259 Q. Why didn't you go to 2026?—A. That is the question. I might answer that by asking you in a like manner why don't you go where there is plenty of money buried and get it?

Q. Well, if I was to go to a place where there was plenty of money buried, I would be sure to find it; and if I was to go to a place where a man lives I would find him too.—A. But that little conjunction "if" spoils the whole matter.

Q. But if the place in which money is buried is pointed out to me as definitely as it is here, I think I would be able to find it. And if a gentleman's residence is pointed out as definitely as it is here, 2026, I think I would also be able to find that.—A. But it is 2023 here.

260 Q. Well, according to our reports, Mr. George J. Troxel, at 2609 North 12th street, had been living there for some time and moved away from there on the 4th of November, the second day after the election. Now, I presume you moved him away before the election, did you not?—A. Yes, sir.

Q. You got some information that satisfied you in that regard?—A. No, sir; I didn't, but I found a man by the name of Schultz, who says that he had moved before the election, and that this gentleman lives at 2605 North Twelfth street.

Q. Now in regard to A. L. Tiernon, two of the contestant's witnesses, report regarding him, that he is not known; another that he is
261 known, but moved away from there five (5) months ago. The contestee's canvasser says that he is known; that he lived there for some time, but moved about three months before the time that he was at the house, and that he had moved to East Saint Louis; now how long before the election did he move over there from 201 Ashley street?—A. I believe he never lived there.

Q. Well, now, you have sworn that he did, but that he moved, which is correct. Either that he never lived there, or that he did live there and moved?—A. That is a mistake. He lived at 200 Ashley street and moved to East Saint Louis about seven months ago.

Q. Well, when will you place it?—A. I don't know exactly
262 what month; but this gentleman gave me the information and says that he came back here again to Saint Louis, and voted, and removed again to East Saint Louis. That is, Mr. Louis Luse told me that.

Q. How old a man is Mr. Tiernon?—A. I don't know, sir.

Q. He is an old man?—A. I don't know.

Q. He has got a grown up family, hasn't he?—A. I don't know, sir.

Q. He is an old, hard working man?—A. My first information was that he returned here some time again; some six or seven months ago, and then moved to East Saint Louis. Then I went back again and
263 asked the same man again about him, and asked him whether there was not something wrong about this man. He said that he is the man who moved away before the election, and came here and voted, and then removed to East Saint Louis again.

Q. But you didn't get any dates?—A. No; I couldn't get the dates. That is what he said.

Q. Now, you couldn't find Pat. Buckley at all in the neighborhood of 1200 Collins street?—A. No, sir; I could not.

Q. But the contestee's canvassers swear pointedly that he lived on the southwest corner of Biddle and Collins streets. Did you inquire

the southwest corner of Biddle and Collins street?—A. There is no use there; that is a vacant lot.

Q. Are you sure about that?—A. There is no house on the southwest corner of Biddle and Collins street.

Q. Are you just as sure about that as you are of anything else that you have testified to on this stand?—A. Yes, sir.

Q. Positively certain of that?—A. Positively certain of that.

Q. That will answer for him, if that is the kind of information that I have got.—A. All right; there is no house on that corner. That is all I have got to say about it.

Q. You say now the southwest corner is vacant?—A. No; I say the southeast corner is not built up.

Q. Oh, now you say that the southeast corner is not built up, and mean that the southwest corner is built up?

WITNESS. Let me see what is my information (examining cards.)

The southeast corner is vacant.

Q. Now take it again, and see if you can't get it right?—A. Southeast is vacant.

Q. Well, you are not as positive about it as you were before?—A. I am positive that the southeast corner is vacant.

Q. Now, you are sure that the southeast corner is vacant, and not southwest corner; did you inquire for Pat. Buckley on the southwest corner?—A. No, sir; I did not inquire there for him.

Q. Why didn't you inquire at the southwest corner of Biddle and Collins street for Pat. Buckley, where some gentlemen have sworn that he found?—A. I looked for him at 1200 Collins street; I did look for him on the southwest corner.

Q. My information in regard to Patrick Farrell, of 211 Mullanphy, is that he lived there up to the second or third day after Christmas, and then moved away; now, I suppose you have got to know he moved before the election. Look on your cards and see.—A.

Q. He removed from here last September or October; don't know where he went. This information I got from Miss Mier, the daughter of the man who keeps the boarding-house there where he boarded.

Q. Why didn't you go to the man that keeps the boarding-house himself and ask him, instead of going to his daughter?—A. Well, I am acquainted with the whole family for twenty-five or thirty years.

Q. Why didn't you go where you could get definite information; why didn't you ask for the man of the house; why did you bother the woman, who had her children to attend to; why didn't you ask the man who owns the house?—A. This woman is running the business; she has no children.

Q. Why didn't you go to the man himself who keeps the house?—A. Because I couldn't find him in.

Q. I suppose this party that you asked is a young lady?—A. Yes,

Q. Probably superintending the culinary department of the institution?—A. She is, in fact, running it; she ought to know more about it than her father, who is working out.

Q. Well she thought it was somewhere about September or October, or November—somewhere along there?—A. No; she told me it was hot weather yet when he left there.

Q. How is it that you generally succeed in moving these people away before election time?—A. I didn't move any away.

Q. All that you have so far spoken of seem to have moved before the

election; couldn't you find any that moved after election?—A. Not that I know of.

Q. How many boarders were in that house?—A. I don't know, sir.

Q. You didn't get a list of them as to when they came and went: she was just satisfied when they came there and paid their board?—A. Yes, sir.

Q. Now, Mr. Burns, at 1448 Broadway; I believe you said that
269 there was not anybody about there that knew him?—A. No, sir: I couldn't find anybody that was acquainted with him.

Q. Who did you ask there?—A. I asked of several parties along there.

Q. Now, why didn't you go to the Columbia House, where he boards, 1448 Broadway, and where he had been living for over a year?—A. I didn't know that he was there.

Q. That is just where he did board, and where this gentleman that made the report for the contestee swore that he lived. It wouldn't have been much of an effort on your part to have gone to the place that he designated, and inquired whether he lived there or not?—A. I suppose not, if I had known he was there.

270 Q. Now, in regard to Thomas Fay, at 221 Howard street: one of the witnesses for the contestant says he is not known; another one says that he is, but he moved away five years ago; another one duplicates the report of the others; but the canvasser that we, the contestee, sent there, reported that there never was a man by that name living at 221 Howard street, but that his name was May and not Fay, and that he had been living there for many months; I suppose you report just the same as our canvasser reported?—A. Yes, sir; there is a man by the name of Thomas May living there.

Q. And he had been living there for eight or nine months?—A. But there is no Fay there.

271 Q. Certainly not. Then your report agrees exactly with the report of the canvasser for the contestee?—A. Yes, sir.

Q. Now, in regard to Dennis O'Hare of 212 Howard street. It was reported by our canvassers that he lived not at 212 Howard, but at 223 Howard, there on the same block, and that he had been living there for four years. Now, did you go there to rebut the testimony of our canvasser, or did you just go there over the same old ground, and go to 212 Howard street, where he never did live?—A. I went to 223 Howard street where the card was addressed to James Haine.

Q. I am talking of Dennis O'Hare now; we will come to James Haine after awhile.

272 Q. No, sir; I went to 212 Howard street, but he never lived there?

Q. He never lived at 212 Howard street?—A. No, sir.

Q. Then if we reported the same fact, that he never lived at 212 Howard street, that is the truth, is it not?—A. Yes, sir; I expect it is.

Q. Now, give me your report that you made in regard to John C. Danforth, 204 Howard?—A. No such man as that ever lived here for years.

Q. Now, Mr. Wolff reported that he lived there, but had moved away in March, which report is correct?—A. He and Mr. Turque: have to find it out. I have got nothing to do with the others.

Q. Did you go up to that number and inquire there from the
273 same woman up there for this name?—A. Yes, sir; certainly.

Q. But suppose you were both wrong, and it turns out that the man had been living there for four years past, might you not have

reck the wrong lady, one whose information was not as full as it might have been.—A. She seemed to be very intelligent.

Q. Yes, but there are a great many intelligent people that don't know where John C. Danforth lives, are there not?—A. I am not certain whether there is any such number as 204 Mound.

Q. Well, what are you certain of?—A. That Mrs. Turquet says there is no such person living there, and has not been for years.

Q. Mr. Wolff appears to have found him, and that he moved away from there, and that was the third report on the same case; they couldn't all be true, can they?—A. I suppose not.

Q. Now, in regard to John Carr, our canvasser reported that he was living in the alley on the south side of Ferry, between Second and Broadway. Did you go there and see whether that report was true or not; or did you travel over the old beaten track of going to where he doesn't live, to wit, 4230 North Second?—A. I went to 4230, and Mrs. —, I forgot the name now, wait a moment; this card says 4230 Broadway. I think there is some mistake about that.

Q. Well, did you inquire for John Carr about there?

WITNESS. Where?

COUNSEL. Well, anywhere up there?

A. I did.

Q. What did you find out?—A. I didn't find any John Carr around there; the only thing that I heard about Carr was that there was one living down on the river banks; that was the only Carr I heard of in North Saint Louis.

Q. Well, now, don't you know that you could easily have ascertained that this gentleman, John Carr, was one of the best-known men in that vicinity; that he works in the glass-house just two blocks from there, and had been working there for eight or nine years; that he is a prominent member of the Order of Foresters, court Bellefontaine, and is one of the best-known men in that vicinity that you were tramping?—A. I might have known him myself for aught I know, but I couldn't find him down there. I don't know where he is.

Q. Your work does not seem to have been very artistic, does it strike you that it was?—A. It has been done faithfully; I didn't understand that it was necessary to look up his place of business; I didn't find out where he was addressed, and I didn't care about running all over the city about it.

Q. You just went into one of these little slop-shops and asked for him?—A. No, sir; not by any means.

Q. And you couldn't find out anything about John Carr there?—A. No, sir; I couldn't find him in that neighborhood.

Q. How many people did you ask about him?—A. I asked at least a dozen. I asked through two blocks.

Q. But you didn't go to the place that your information was put down on your card about, south side of Second street, where you were directed by the testimony of the canvasser for the contestee?—A. I don't have that with me.

Q. And you didn't go to the place that he is at, right there and two blocks from where he works, and has been working for eight years?—A. No, sir; I didn't go to the glass-house.

Q. Now, you couldn't find Mike O'Connor, 3709 Broadway, at the corner right across the street?—A. He don't work there, unless he started there to work day before yesterday.

Q. Now, here is a gentleman sitting right by me that has not been sworn at all, but who on calling his name knows him very

well, and says he does work there now, and has for a long time past.—
A. The foreman told me the other day he didn't. The foreman may have lied.

Q. Did you go to 3709 Broadway?—A. Yes, sir.

Q. And didn't find him there either?—A. He hadn't lived there for a long time. I know that place personally.

Q. Well, suppose your information in regard to him was—A. In regard to O'Connor, the information that I got here I will give you. That I got from Mrs. Kane, where he boards at present, in the rear of 3617 Broadway. She says that he boarded at the Brighton 279 House on the day of election.

Q. That is about 3624 Broadway; that is in the same precinct—Salisbury being the dividing line?—A. I know it is in the precinct, because I live there myself.

Q. At the suggestion from the contestant's counsel you may now change your answer and say that it is in a different precinct?—A. No, sir; I will not.

Mr. POLLARD. I say the contestant's counsel never once opened his mouth.

By Mr. DONOVAN:

Q. How many cards have you testified about to-day?—A. I really don't know. I suppose about 40 or 50.

Q. About how many did you take out altogether?—A. I really don't know. Several hundred of them.

280 Q. And you found the balance of them correct?—A. Yes, sir.

Q. How long were you engaged in this rebuttal testimony?—A. I guess nearly all of this month, up to within a day or so.

Q. Or up to this week?—A. No, not this week; not this week alone; several weeks.

Q. And in giving in your reports here you don't claim that your information is always unquestionably reliable?—A. I don't consider anything positive unless I see, feel, and hear it myself.

Q. There may be many mistakes. People are likely to be misinformed about matters such as those?—A. They are likely to be misinformed on any subject.

Q. But particularly about this matter, inasmuch as it is a great 281 source of nuisance to those people throughout this district?—A. My experience was always very pleasant, all excepting one person that felt aggrieved.

Q. Did she set the dog on you?—A. No, sir; there is only one lady who told me to come when her husband was at home.

Q. Well, your experience was very agreeable, because in the generality of cases you were going to the houses next door to the houses where you were directed to go?—A. I generally went to two or three to get information.

Q. So you were inquiring into the affairs of people other than those that you were requested to go to?—A. Generally.

Q. It was not so agreeable when you went to the house itself 282 to inquire into these affairs of the people residing there?—A. I never had any trouble with them.

Q. But you had a reluctance to go to the houses themselves, for the reason that it would be disagreeable?—A. It would be. Persons would be wanting to know what you were doing, and what you were hunting about, and so on. I didn't want to do that only in so far as it was necessary to obtain the proper information.

By Mr. POLLARD:

Q. Isn't it a fact that when you ascertained that a party didn't reside at a number designated on your card, that the information that you did get from the next door would be much more likely to be correct than that which you would obtain from the number on the card?

A. Well, I should think it would be.

Q. Why?—A. Because if any of these persons had really done anything wrong they wouldn't be likely to criminate themselves. They might have a suspicion of wrong.

Q. Isn't it further true that the party living in the house now would be less liable to know who lived there six or eight months, or any length of time before he went there, than would the next door neighbor who had lived there all along?—A. Why certainly. I found that to be the case many times that two or three families had moved in after the party whom the card was addressed had lived there. I generally asked of persons that I found had lived near the premises during the time that this party had lived there, if he had lived there at all.

By Mr. DONOVAN:

Q. Well, since you answered Mr. Pollard's question that your information was more reliable by going to the neighborhood instead of going to the house, why didn't you go to look for John Crowley in the neighborhood?—A. I don't remember.

Q. 1528 North Second, where you could have ascertained that he had been living at this house for fourteen years?—A. I believe I told you before, if not several times, that there was no such place as 1548 North Second, hence I couldn't find him.

Q. But could you not have ascertained from some of his neighbors that he was living there, especially since he has been living there for an unprecedented length of time—living for a length of time in that same neighborhood?—A. I might have hunted him up.

Q. But you didn't?—A. I didn't hunt him, because the place that I was looking for was not known. That was the only reason.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Monday, April 1881, then to be continued at the same place, and at the hour of half past nine o'clock of the forenoon.

W. E. L.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 54.

Pursuant to adjournment as above stated, on the 18th day of April, 1881, at the hour of half past 9 o'clock in the forenoon, I continued the further taking of these depositions, as follows:

- 1 J. H. VANCE, produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. POLLARD:

Question. What is your full name?—Answer. J. H. Vance.

Q. Where do you live?—A. I live on the corner of Tenth and Howard.

Q. Do you know Mr. Sessinghaus, the contestant in this case?—A. Yes, sir; I know him.

Q. Do you know Mr. Tate—Frank Tate—who was witness in this case?—A. That is the gentleman there (indicating); yes, sir.

Q. Did you meet him in Hager's saloon, and overhear a conversation there which was had between Mr. Sessinghaus and some one else in your presence, and also in the hearing of Mr. Tate?

(Mr. DONOVAN, counsel for contestee, objects to the question, unless the counsel for the contestant will fix the date.)

Mr. POLLARD. The same date as that testified to by Mr. Tate in this case.

Mr. DONOVAN. I can object to that, because Mr. Vance does not know what date Mr. Tate fixed.

Mr. POLLARD. Well, I ask you now this question: Whether you did hear a conversation like that I have asked you about, and if you ever heard more than one conversation in this saloon between Mr. Sessinghaus and other parties, at which both yourself and Mr. Tate were present?—A. I was present one time when Mr. Tate and Mr. Sessinghaus was present also.

Q. Were you present there on any other occasion when they were both together?—A. No, sir.

- 3 Q. What was said then and there by Mr. Sessinghaus?—A.

Mr. Sessinghaus made the remark that he was properly elected by the people of the third Congressional district, and that if the House would take the proper steps, he would take his seat at the next session; and if he was not properly elected, he didn't want it.

Q. What, if anything, did he state about having the Committee on Elections arrested?—A. Nothing at all.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Have you been speaking to anybody, or have you been spoken to, about the testimony that you were to give here this morning?—A. Never, sir; never was spoken to till Friday.

Q. Have you had any intimation as to what Mr. Tate testified to on this stand?—A. Only what I heard he swore about me.

Q. Was not some information conveyed to you as to what was said in regard to some very extravagant remark made by Mr. Sessinghaus in that saloon?—A. No, sir.

Q. Nothing whatsoever?—A. No, sir.

Q. No circumstances detailed?—A. No, sir; not a word; I never heard a word of any such things.

. But have you not been informed as to what Mr. Tate testified to?
 . I have not, sir.

. So as to be called upon to rebut what statement he may have
 e here?—A. I have not, sir. It has not been explained to me.

Q. Who came to see you first?—A. I don't know what the
 gentleman's name is; he lives, I think, in the Twenty-eighth
 ward; he fetched a subpoena for me.

What did he say to you?—A. He just handed me the subpoena.
 here subpoena (indicating), and told me where the office was, and
 me I would have to go down here.

Did he not say anything else to you?—A. No, sir; never spoke
 e about anything, nothing whatever; nothing except what I have
 dy said; nothing whatever that anybody had said from first to

So, with the exception of the parties that you have seen here
 you went on the stand, the only other party that you have seen
 e party that subpoenaed you?—A. I have seen Mr. Wieseahn,
 but he never spoke to me about it.

Q. And you had no conversation at all about this case, either
 with him or any man, as to what Mr. Tate testified to?—A. No,
 only that I heard that he swore to some—

That is just what I want. Who did state to you his having
 o to anything?—A. I forget now who it was told it to me first; I
 it was told to me on the corner of Carr and Broadway.

By whom? Was it an agent of Mr. Sessinghaus?—A. No, sir.
 By whom?—A. It was a gentleman that was talking with Mr.
 nan; I forget his name.

Do you see him present to-day? Is that the gentleman, Mr.
 ?—A. No, sir.

Is it Mr. Wieseahn?—A. He never spoke to me about that. Then
 I talked to him afterwards, but not about this case.

Q. Talked to whom?—A. Mr. Wieseahn.

Q. Then you have been informed as to what Mr. Tate testified
 regard to that extravagant statement which Mr. Sessinghaus
 in that saloon one evening?—A. No, sir; nothing about that;
 as relates against me.

What did he say?—A. He swore that I was the Broadway liar,
 ie swore a lie, too.

Are you known as such?—A. No, sir; I am not such; I am known
 gentleman, and always have been such. I have filled many promi-
 positions in the city of Saint Louis, and am working for the gov-
 ernment to-day.

But men usually get names along the street; they may be just,
 hey may be unjust. Have you ever heard yourself characterized
 as the "Broadway liar"?—A. No, sir; I never have.

Q. Well, if Mr. Wieseahn is the only party—. How do you
 know if Mr. Wieseahn is the only party that made the state-
 as to Mr. Tate's having sworn to this?—A. Well, Mr. Wieseahn
 that statement to me.

Then, as I supposed, you have heard about what Mr. Tate's testi-
 was here?—A. Only in regard to what he swore to about me. I
 l that from the gentleman that was there talking with Mr. Pohl.

He asked me if I had heard anything about it. I told him no.
 en told me what it was.

Do you know whether that is a fact or not?

TNESS. That he swore this?

COUNSEL. Yes.

A. I have just what this gentleman told me.

Q. Who was this gentleman? Do you know whether he was
9 ever present here during the taking of this testimony?—A. I do not know.

Q. Did you feel aggrieved to hear that you were called the "Broadway liar?"—A. No, sir; I traced it to the young gentleman's ignorance.

Q. But you naturally felt aggrieved at it?—A. Well, it bore on my mind; but when I remembered that it came from a boy I didn't care so much about it.

Q. Well, Mr. Vance, can't you tell me who informed you as to what Mr. Tate's evidence was? Wasn't he a friend of yours that told you this?—A. This man was no friend of mine; this man was standing and talking to Mr. Pohlman; there was three or four standing at the counter, and that was a casual remark, and I asked them who
10 swore that; and he asked me, says he, "Do you know young Tate?" "Young Tate?" says I, "that's this lad that used to be with Frost; I haven't seen him for a month or more." "I guess that's the Tate," says he, "he was up there and gave them this racket." Says he, "Did you know what he swore against you down there." Says I, "What did he swear against me?" and he up and told me.

Q. Well, what did he tell you?—A. He swore that they called me the "Broadway liar." "Well," says I, "I will declare that I don't think he swore to such a thing as that."

Q. Is that all?—A. Yes, sir; that is everything that he told me; everything about me. I know nothing about what he swore to about others; I don't know what his testimony was besides that.

Q. How often were you in Hager's saloon during the campaign?—A. Oh, I suppose I have been in there fifty times; I had
11 business right near there.

Q. How often did you see Sessinghaus in Hager's saloon during the campaign to your knowledge?—A. Well, I don't know that I could say that I remember how many times I saw him in there.

Q. Well, about how many times?—A. I couldn't approximate it at all; he might have been in there once; I know he was in there once, and he may have been in there more than once. I couldn't say positively. I have met him there once or twice, I think; I wouldn't say.

Q. Haven't you met him there more times than that? Isn't that right in the immediate vicinity of his place of business?—A. I never
12 met him there on business. He generally came to the office at the stables, if he had any business. I didn't meet him there to see about any business.

Q. You are very intimate with Mr. Sessinghaus, are you not?—A. I can't say that I am. I know him as a Republican.

Q. He calls to see you at your place of business?—A. Very seldom.

Q. He did call there during the campaign?—A. He called on Mr. Pohlman. I might have been there. He might have spoken to me in passing casually.

Q. How many conversations have you had with Mr. Sessinghaus in Hager's saloon?—A. I think I had one or two.

Q. What was he doing in there?—A. Well, he was talking with some gentleman.

Q. Can you narrate the conversations on the two different occasions that you think you met him in the saloon?—A. I don't
13 remember particularly all the conversation. I know that he was

talking with me in regard to the affairs a little while, and just passed on.

Q. He was talking with you on both occasions?—A. Yes, sir.

Q. Came in and spoke with you one day?—A. I just happened to meet him in the building; I was in there when he came out, and then I went on with him.

Q. But on one occasion he told you that Congress would seat him?—A. He made this remark to me; he said if he was only elected, which he thought he was, that the next Congress of the United States, whether they were Democratic or Republican, would seat him fairly and squarely, and that all he asked was right and justice.

Q. And he was talking to you?—A. Yes, sir; may be two or three more standing around; Mr. Tate was standing there, too.

Q. Do you recollect of having any other conversation with him when Mr. Tate was there in the saloon?—A. He was talking with Mr. Tate about the ticket, and Tate was talking in behalf of Mr. Frost.

Q. Well, when you went there to Hager's saloon and met Mr. Sessinghaus the first time, give us the date as near as you can.—A. I would say it was just shortly before the election. I was there once before the election, and I believe I met him twice since the election, right on the corner, and went in the saloon.

Q. When were you in there the second time with Mr. Sessinghaus?—A. Well, a short time after the election.

Q. When were you in there the third time?—A. Well, I couldn't say; might have been a few days afterwards.

Q. When were you in there the fourth time?—A. I don't believe I was there the fourth time.

Q. What was said the second time?—A. Well, nothing, only laughing a little over the election; that's all.

Q. Were you and Mr. Sessinghaus and Mr. Tate present at all three conversations?—A. I was present with him on two, I think. I think that is the only two I remember that Mr. Tate was present.

Q. Were there many people in the saloon the first time?—A. I think there must have been eight or ten.

Q. Were there many the second time?—A. About the same.

Q. Were there many the third time?—A. I don't remember; I think there was a good many there. That is when he was running for ice.

Q. About the same number the third time?—A. Yes, sir; he was running for office at the first time.

Q. Were these conversations addressed to just yourself and Mr. Tate, and others, or were they generally to all in the saloon?—A. They are spoken out so that anybody could hear them.

Q. Now, when you came there the first time, were you there in the morning, or in the evening?—A. Between ten and eleven o'clock in the forenoon.

Q. What hour was it the second time?—A. Well, in the afternoon, and one time at night.

Q. But on the same day?—A. No, sir; no.

Q. The second time, what time were you there?—A. I don't remember; it might have been three or four o'clock in the afternoon.

Q. And the third time?—A. That was at night.

Q. At what hour?—A. Well, it was seven o'clock, I should judge.

Q. How late did you remain there?—A. I went out with him—I went away with him. I walked away with him.

Q. Do you know whether Mr. Sessinghaus returned to the saloon after you left with him?—A. He did not, sir.

Q. Were you with him all the time?—A. I was with him for a time.

18 Q. For how long?—A. Well, I was with him for half an hour.

Q. You don't know whether he returned after that?—A. I will answer that question in this way: I went up to meet the precinct committee; and when I got through I went to where he agreed to meet me. Well, when I went there he was there, and he got up and walked away with me.

Q. That was at the third conversation?—A. Yes, sir; at night I went away with him.

Q. How long did you remain at the precinct committee?—A. I remained there, I guess, half an hour; just called them together, and got through in a very few minutes.

Q. You were with him, then, about half an hour?—A. I was
19 with him after I got through with this committee, and then I went to where he agreed to meet me, and remained with him half an hour or an hour. We left together.

Q. Now, Mr. Vance, didn't you take the street cars?—A. No, sir; we went in a buggy.

Q. In whose buggy did you go?—A. In a two seated buggy; it was his.

Q. It is in testimony here that after this conversation took place with Mr. Sessinghaus, that he took a street car.—A. He didn't take a street car, not this third time; he went away in a wagon.

Q. Whose wagon?—A. His own; a little two-seated rig.

Q. How far is Hager's saloon from the mill owned by the Sessinghaus Brothers?—A. Well, I can't say; I judge it was near
20 a mile; may be it is more than a mile.

Q. Then Mr. Sessinghaus was in the habit of visiting that saloon, wasn't he? It was in his district?—A. I don't think he was; he has not been around there very often.

Q. Well, how many times have you seen Mr. Sessinghaus in this saloon?—A. I don't think I saw him but two or three times before and since the election.

Q. Haven't you seen him twenty times at that saloon?—A. No, sir; never saw him at the corner twenty times.

Q. When you were in this saloon these three different times I suppose there was a good deal of beer imbibed by the parties there, was there not?—A. Well, not very much; not so very much.

21 Q. Well, the usual quantity was dispensed?—A. Well, my friend Mr. Tate had considerable beer on board.

Q. Well, how was Mr. Sessinghaus on that evening?—A. Well, Mr. Sessinghaus, I think, was about the straightest of the three.

Q. Well, if you and Mr. Tate and Mr. Sessinghaus were pretty full, how can you have a distinct recollection as to the conversation that occurred?—A. I didn't say that we were pretty full.

Q. Well, that is a matter that has faded out of your memory, isn't it?—A. No, sir.

Q. Wasn't there offers of bets on the occasion?—A. I don't think there was an offer made of any bet, except by one man.

22 Q. Who was that man?—A. Mr. Tate; he was betting on Mr. Frost.

Q. And who did he offer to leave that bet with?—A. With several of them.

Q. Didn't he offer it to Mr. Sessinghaus, being provoked by some extravagant statement that Mr. Sessinghaus made?—A. No, sir; I don't think he did.

Q. Was not Mr. Sessinghaus's statement to the effect that if the next Committee on Elections in Congress did not seat him he would have the whole batch of them arrested?—A. No, sir; he never made no such a statement.

Q. Is this the first time you ever heard of Mr. Sessinghaus making such an extravagant statement?

WITNESS. As what?

COUNSEL. As that he would have the Committee on Elections arrested in case they did not seat him on the presentation of his case.

A. I never heard him make such a statement in my life, nor anything like it.

Q. Did he not only make that statement in that saloon, but on the streets, and in other places?—A. I never heard him make it on the streets nor in the saloon, and in no other place.

Q. Well, wasn't this the occasion that Mr. Tate bet him that he would have the Committee on Elections arrested?—A. It was not.

Q. Didn't he then go so far in his exuberance as to state that he would have the President of the United States arrested in case he didn't get his seat in Congress?—A. No, sir; never did, sir.

Q. Not to your knowledge?—A. Never did in that saloon; I was with him when he first went in; and was with him until he went out; and if such a statement had been made I would have certainly heard it.

Q. What is your business?—A. I am foreman now for Mr. Pohlmann. I have been in the government employ for a good while.

Q. You have been about a good deal with the horse-sharks in this town?—A. Yes, sir, so called.

Q. You are classed as one of them?—A. I don't consider that I am. I am an auctioneer, and behave properly.

Q. What is the definition of "horse-shark"?—A. I think it is a man that swindles men out of horses, and misrepresents horses, or represents horses to be so when they are something else.

Q. Have you heard yourself classed as such?—A. I never have been classed as a "horse-shark." It is possible that some men might say I was, because I was working around a stable.

Q. Have you ever been arrested as a horse-shark?—A. No, sir.

Q. What were you arrested for?—A. For making out a bill of sale for some horse-sharks.

Q. Were you convicted?—A. No, sir; discharged without any trial.

Q. When was that?—A. I was discharged by Judge Jones, and also Judge Laughlin two years ago.

Q. Then, you have had two cases of arrest?—A. Two cases of making out a bill of sale.

Q. That is, as a *particeps criminis* with horse-sharks up on Fifth street?

A. This was not on Fifth street.

Q. On what street was it?—A. This was on Morgan street. I was coming past in a wagon, and a man called me to go along and make out this bill of sale. I assented to that, and made it, simply because I knew him. They tried to implicate me, but the judge turned me loose.

Q. Were you acquitted on both trials?—A. Yes, sir; I had been out on my own recognizance. The case never came up on the last time.

Signature waived.

At this point a recess was taken until 2 o'clock this afternoon, at which time all parties in interest being duly assembled, and announcing themselves ready to proceed, the depositions were thereupon resumed as follows:

27 D. G. JONES was then called in rebuttal by the contestant, was duly sworn, and, being examined, deposes as follows:

By Mr. POLLARD:

Question. What is your full name?—Answer. D. G. Jones.

Q. What is your business?—A. I am advertising agent of the Republican.

Q. For the Missouri Republican?—A. Yes, sir.

Q. That is a paper published in this city?—A. Yes, sir.

Q. I wish you would tell me, Mr. Jones, how many times, or in how many issues of the Missouri Republican was published this advertisement:

“POLITICAL.

“Sessinghaus vs. Frost.

“Attention, Democrats!



28 “All Democrats in the third Congressional district who offered to vote at the election held November 2d, and who were improperly refused, will please send their names and addresses to Donovan & Conroy, attorneys-at-law, northwest corner Third and Pine.”

Mr. DONOVAN. I object to that question on the ground that it is immaterial, irrelevant, and incompetent. I object further, for the reason that the names sent in to us, pursuant to that advertisement, were not used, inasmuch as they were, like many of the cases presented by the contestant, a class of voters which, in the plain letter of the law, were certainly not entitled to vote at that election. I object further, unless the gentleman conducting the case on behalf of the contestant

29 will permit me to put in evidence here further publications that appeared in that same paper.

(Question read to witness.)

A. Seven times.

Q. Do you know who put that advertisement in the paper, Mr. Jones?

—A. No, sir.

Q. Do you know what dates that advertisement was in that paper?

—A. I think the first went in March 13th.

Q. And you think it continued in to the end of the seven days?—A. Consecutive days.

Q. To whom did the Republican charge that advertisement?—A. J. T. Donovan.

Q. J. T. Donovan is the agent for the contestee, Mr. Frost, is he not?

—A. I don't know, sir.

30 Q. He is a brother of Mr. Donovan, the counsel for Mr. Frost, in this case?—A. I couldn't swear to that; I believe he is; I have always recognized him as such.

Q. And you have been instructed, have you not, to send the bill to Mr. Donovan, the attorney in this case?—A. I was not until three or four minutes ago in this room.

Q. You were so instructed a few moments ago, since your attendance in this room?—A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Mr. Jones, do you know how often the following appeared in the Missouri Republican?

Mr. POLLARD. (Interrupting.) I object to that, because it is not a cross-examination; because the gentleman did not put in any advertisements of any description when he was attempting to make out his case on the defense; and because his side of the case is closed, and he has no right now, under the law, to introduce additional testimony.

Mr. DONOVAN. Since the contestant sees fit to put publications that appear in newspapers in evidence, I claim the same right; and therefore choose to ask the witness the question: How often did this appear in the Missouri Republican?

"IN THE THIRD DISTRICT.

An impression seems to have got abroad somehow or other that Gustavus Sessinghaus, Republican candidate for Congress in the third district, is not made of what may be called Congressional stuff; that he is too small a peg for the hole he is trying to get into, that Mr. Sessinghaus's intellectual capacities, habits, and training are not quite up to the standard that the people of the third district expect in the man that aspires to represent them in Congress. Whether this impression is correct or incorrect, we do not undertake to decide; it is only fair that Mr. Sessinghaus should be allowed to speak for himself. He has not a shadow of doubt about his ability to make a first-class Member of Congress; indeed, he says he "can do and that is not all; he assures the intelligent constituency whose members he solicits that 'One of these days you will hear them say: that fellow Sessinghaus is a big man in Congress.' But to set Mr. Sessinghaus's highly edifying and flattering opinion of himself fully before the public, we reproduce here the following speech, made by him at Sturgeon Market last Saturday night."

Mr. POLLARD. I object, because it is put in simply for the purpose of making the part of the contestee at this time, because he had wholly and completely failed to have any evidence; he would now like to introduce a mere balderdash, and is attempting to make evidence out of what some respondent conjured up in his brain as a speech made by the contestant in this case; when the gentleman well knows that such a speech was never made; but we will show before he is through, that the gentleman, or his brother, or the contestee in this case, wrote that speech himself.

Mr. DONOVAN. Inasmuch as this is a mere conjuration of the gentleman's brain in regard to the contestee writing this speech, because he never saw it until he saw it in the newspaper; and inasmuch as it was taken down right from the mouth of Mr. Sessinghaus by one of the stenographers in this city, I presume it will be well worthy our time to start the speech again, as it is a very fine one.

Mr. POLLARD. I have no doubt the gentleman would like to fill his case up with such testimony; I will submit the proposition here that the testimony that he is now attempting to put in is quite as relevant and quite as competent as anything which he has attempted to introduce.

Mr. DONOVAN. The gentleman provokes it by calling upon the agent of the newspaper to introduce testimony that is perfectly trivial here; and if it is permissible for the contestant to introduce a publication from a paper, I take it that the contestee can avail himself of the same privilege by introducing a publication taken from the same paper. Now, we will read the speech. Mr. Sessinghaus says:

"When a great speaker goes on the stump he says 'fellow citizens.' It's a good thing to say. If I didn't have fellow citizens I would not be here to night. See that flag there (pointing to the national colors floating in the breeze). That is your protection; the stars and
36 stripes, that's what it is. You are American citizens. You must protect yourselves. If you protect yourselves you protect yourselves, if I protect myself I protect myself. I am a candidate for Congress, and won't go as a dead-beat for dollars and cents, but to represent your interests as one of you. I can do it. You know I will do it. They say (I mean my enemies, the Democrats) I am no fit man to go to Congress. I am no lawyer. I am going though, and do the best I can, and I believe I can do it. I am not a great orator, not a man to make a great speech, a fancy, nice, and eloquent speech. I am not agoing to do it. I will do the people of Missouri some good. I was raised among you, and I am going to Congress, and one of these days you will hear them say, 'That fellow Sessinghaus is a big man
37 in Congress.' You will hear from me one of these fine days. I want to speak to you on the tariff question. You are all mechanics and protectionists. If you don't protect yourself you are going up, and we will all go begging. The mechanics in Europe are in a mighty bad fix. They have no good clothes like you workingmen. I want you all to live easy. You must elect a man to Congress who will take care of your interests. I'm a little hoarse to-night. (It was a very frosty night.) When a man is in a canvass he is out at night and up late. Mr. Frost is out the same way. We have it to do. When election day comes, go to the polls and say, 'I am going to put Sessinghaus in Congress.' I just believe I have got common sense enough to make a good Congressman. I was raised among you, and
38 I want to represent you. I thank you for your attendance, and when I get back from Congress I want to shake hands with you all, and believe you will send me there again." [Prolonged applause.]

Q. How often did that appear in that newspaper?—A. I don't know. I can tell by looking at it (Mr. Donovan handing copy of the Missouri Republican containing the article referred to to the witness). Not more than once.

Q. It appeared in one edition of the paper issued on October 20th. 1880. That is an editorial. Do you know the stenographer who took down that speech?—A. No, sir.

Q. You are not connected with that part of the paper?—A. No, sir.

39 Q. You are just connected with the business department?—
A. That is all.

Q. Mr. Jones, do you know who handed in the advertisement that Mr. Pollard has asked you about?—A. No, sir.

Q. Was it myself?—A. I don't know.

Q. Or Mr. Frost?—A. I don't remember.

Q. All you know about it is that it is in the paper here?—A. That is all I know about it. I do the charging; that is, putting in the register the charges for the advertisements, and that is all I know about it.

Q. And after you had come here to-day, and on my being informed

the bill for that advertisement had not yet been paid, I then rested you to send the bill up to me and I would pay for it?—A. Yes, sir.

Q. And that is all you know about the transaction?—A. Yes, sir.

By Mr. POLLARD :

You don't know whether any stenographer ever took down any speech as that?—A. I know nothing about that department, no more than you do. That is as entirely distinct and separate as a cloth-house and a butcher shop.

Signature waived.

EDWARD CALDWELL recalled in rebuttal.

By Mr. POLLARD, counsel for contestant :

Question. You have been sworn before in this case, have you not, Caldwell?—Answer. Yes, sir.

When you were sworn in this case before—when you were on the stand before—Mr. Caldwell, you testified that you resided on election day at 1121 North Twelfth street, and had resided there nine months?—Yes, sir.

That was true, was it not?—A. Yes, sir.

And that you voted and registered, or rather, that you went to polls on election day to register and vote?—A. Yes, sir.

Q. There was a man on the stand on the part of the contestee named Anderson, a colored man, who testified that you told him two or three weeks ago that when you went on the stand in this case that you had sworn to a lie; that you were not here on election day but that you were in the State of Wisconsin?

A. DONOVAN. I object to that question, because the witness Anderson did not state that the witness Caldwell informed him that he had sworn to a lie, but that he informed him that he was not in this city on election day, but was in the State of Wisconsin. (To the witness.) I object to the statement that you informed him that you had sworn to a lie not made by him.

By Mr. POLLARD :

Q. Do you know that colored man Anderson?—A. No, sir.

Q. William Anderson?—A. No, sir.

Or any man whom they call Anderson?—A. No, sir.

I want to know whether or not you ever told him, or any one else, that you were not in this city on election day?—A. No, sir; I never told him, nor any one else, that I had not been in this city.

Were you, as a matter of fact, in Wisconsin on election day, or were you in the city of Saint Louis?—A. I were in Saint Louis.

You never told him any such thing as that you were in Wisconsin on election day?—A. No, sir; I never told him any such thing.

Q. Anderson did come to see you there, did he not?—A. Yes, sir.

What did he come to see you for?—A. I didn't know what he came for. He came to ask me if I was in town on election day. I told him, "Yes, sir." He says to me he wanted to know if I had come to this office; he asked me if I had put in my name. I told him I had been down in this office. He wanted to know what I said, and then I was told to say by Jones and Smith. He says, "You come

along and go with me, and say that they told you what to say. If you come along with me and say that, you can make sixty or seventy-five dollars out of this case." I should meet him at the "Imperial," on

Christy avenue. Then I told him that I wouldn't do it; that
45 had sworn to this, and it was the truth, and I wasn't going to make no false swearing no how.

Q. He wanted you to come and work and testify for Mr. Frost, and if you would do that he would pay you sixty or seventy-five dollars?—

A. Yes, sir.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. Where does the lie come in at, Mr. Caldwell, when you testified the first time that you were here, when, as a matter of fact, you were in Wisconsin? How did you come to inform Mr. Anderson that you were not here on election day, but up in Wisconsin? Which is true, the information that you gave to Mr. Anderson, or the testimony that
46 you are giving here now? Now do you know this Mr. Anderson that has just come into the room?—A. That is the gentleman.

Q. Now tell me whether you were lying in the first, second, or third instance?

WITNESS. Who lying?

Q. Are you lying?—A. I am not, at all, sir.

Q. Do you know what Mr. Anderson was engaged at when he dropped into your house?—A. No, sir; I do not.

Q. Do you not know that he had a list of a number of colored witnesses that swore in this case, and that he was endeavoring to ascertain whether they lived at the places that they stated that they lived?—A. No; I don't know that.

Q. Did he not have a list with him with the places of residences of the parties set opposite?

WITNESS. Did he have a list?

47 COUNSEL. Yes, sir; a list.

A. He had a book in his hand.

Q. Did he not simply come to you to ascertain whether you lived on election day at the place that you swore you lived?

WITNESS. Did he come to me?

COUNSEL. Yes.

A. I suppose; I don't suppose I know what he was doing.

Q. And did he not simply ask you, Mr. Caldwell, where you lived on election day, and then you answered him?—A. He didn't ask me that.

Q. Did he not tell you that he was inquiring where the colored witnesses lived on election day, who had testified previously in this cause?—A. No, sir.

Q. What did he say to you?—A. He seen me right at my house, right on my porch where I was living.

48 Q. Didn't he state his business?—A. He did not.

Q. Did you not state to him politely that while that might be considered your place of residence, yet you were coaxed up here by J. T. Smith, who now stands opposite to you here, supervising your testimony, to swear that you were refused the privilege of voting on that day, but that the fact was that you were not in the city of Saint Louis on election day, but was in the State of Wisconsin; that you knew that fact for the reason that the Presidential election was then pending there at the town you were in, and that you felt bad at coming here and

wearing as you did; that you wouldn't have done it if J. T. Smith hadn't coaxed you to do it?—A. No, sir; I did not.

19 Q. Did you not tell that to that gentleman standing right here opposite to you (indicating Mr. Anderson)?—A. No, sir; I didn't tell that man any such tale as that.

Q. What did you tell him?—A. He come and asked me if I were coaxed up here by a gentleman named J. T. Smith, who told me what to say when I come up here, and I told him no. Didn't I tell you that, sir? (Witness addressing himself to Mr. Anderson.)

Q. Well, go on and state what was said there.—A. He says to me, "You know where the 'Imperial' is, you meet me there at eleven o'clock, and then go with me and tell us that Smith told you all this; that you were not here on election day," and that he would give me sixty or seventy-five dollars.

50 Q. Don't you know that in the old slave times you were not worth sixty or seventy-five dollars to buy you, body and bones; are you a high priced man?

Mr. POLLARD. I object to that. It is insulting to the witness. Because the witness's skin happens to be dark he ought to be protected.

(Question read to the witness.)

A. Most any man is high-priced; he will take the highest price he can get; that is the way of it, I suppose.

By Mr. DONOVAN:

Q. Do you think that your one vote would be worth \$60 in this controversy, or \$75, or whatever amount you may have stated here?—A. If man could falsify another man's word he could say all this; if I done wrong in the first time, I might do it again; all men aint alike.

1 Q. Now, was it sixty-five dollars, or seventy-five dollars, or sixty-five cents, or seventy-five cents, which?—A. It didn't have no cents in it; he said dollars.

Q. Which was it, sixty-five cents or seventy-five cents?—A. It was dollars.

Q. Why didn't you jump at it?

WITNESS. Why didn't I jump at it?

COUNSEL. Yes.

WITNESS. You want me to falsify my word—to come up here and falsify my word?

Q. Some of your people have done it for seventy-five cents; why didn't you do it for seventy-five dollars?

Mr. POLLARD. I object to that, because it is absolutely and wholly false.

(Question read to the witness.)

A. Well, I don't suppose my color is all alike; there is difference in some of them.

By Mr. DONOVAN:

2 Q. What business are you engaged at now?

WITNESS. Me?

COUNSEL. Yes.

A. Steamboating.

Q. What position on a steamboat?—A. Fireman.

Q. How much a day?—A. We don't have season wages.

Q. How much a month?—A. Sometimes thirty-five and thirty, forty, and sometimes forty-five.

H. Mis. 27—168

Q. Dollars a month ?—A. Yes, sir.

Q. What are you earning a month now ?

WITNESS. What am I earning a month now ?

COUNSEL. Yes.

A. I aint earning anything while I am here.

Q. What are you now earning a month ? What are you engaged at ?—A. Nothing at all now. I am steamboating.

53 Q. You are not engaged at anything now ?—A. No, sir.

Q. How long have you been idle ?—A. A week to-day.

Q. What boat were you last on ?—A. The Josephine.

Q. How long were you on her ?—A. Since she came out.

Q. When did she come out ?—A. I was trying to think what day she did come out ; I can't think of it now—29th of March, I think.

Q. She has been out about two weeks ?—A. Yes, sir.

Q. What were you doing before that—idle ?—A. Yes, sir.

Q. Idle for how long ?—A. I won't say how long.

Q. About how long ?—A. I don't know exactly how long.

Q. Mr. Caldwell, how often were you arrested ?

54 [Witness, hesitating.]

Mr. POLLARD. I instruct him not to answer it unless he sees fit.

A. Well, I have been arrested once since I have been in this city.

By Mr. DONOVAN :

Q. What were you arrested for ?—A. I won't answer that question.

Q. Why won't you answer it ?—A. I don't feel disposed to answer that question.

Q. What objection have you to answering such an innocent question as that ?

Mr. POLLARD. I object now to any further inquiry on that subject. The witness says he has refused to answer, and he has the right to make that refusal.

By Mr. DONOVAN :

Q. Were you arrested for something that would degrade you now the eyes of all decent and honest men ?

55 Mr. POLLARD (addressing witness). You needn't answer unless you see fit to.

A. I don't answer that question either.

By Mr. DONOVAN :

Q. Are you a gambler ?—A. No, sir.

Q. Do you ever gamble ?—A. No, sir.

Q. Are you not accustomed to "shooting craps" ?—A. No, sir.

Q. Never did in your life ?—A. No, sir.

Q. You never were arrested for gambling ?—A. No, sir.

Q. Well, then, what were you arrested for ?

Mr. POLLARD. He has told you he has refused to answer the question.

A. I said I didn't feel disposed to answer that question.

By Mr. DONOVAN :

56 Q. Haven't you been in jail recently ?—A. No, sir.

Q. Were you not recently arrested for rape ?

Mr. POLLARD. You needn't answer that question unless you

A. I don't see fit to answer the question.

By Mr. DONOVAN :

Q. Have you not been consorting for some hours past Smith ?

POLLARD. Tell him what consorting means before you ask him question.

DONOVAN. You tell him.

WITNESS. No, sir; I have not.

Now, we saw you there with Mr. Smith as we passed backward forward through the hall.

WITNESS. When?

UNSEL. Right here, not fifteen or twenty minutes ago.

A. I don't think you did.

Q. You haven't been with him at all?—A. He came past the door there and spoke to me.

You haven't been talking with him?—A. Not since I have been

You haven't been talking with him as we passed in and out of the and you were both sitting there together?

WITNESS. When?

UNSEL. Now, right within a few minutes before you went on the

No, sir; not since that has been going on.

Now, why does Mr. Smith stand right opposite you while you are your testimony; is it to see that you obey his instructions which received while you were talking with him?—A. I don't know, sir, he is standing there for; he has not given me any instructions.

Q. Did he coax you up here again?

WITNESS. What do you mean by "again"?

(Question read.)

WITNESS. Since when?

(Question again read.)

No, sir; I haven't been coaxed to-day.

Now, when were you drilled last?—A. I never was drilled in my

What do I mean by "drilling"?—A. Soldiering, I suppose.

UNSEL. No, sir; I don't mean that.

WITNESS. Then I didn't understand you.

When were you last drilled as to what you would have to say the stand?—A. I never was.

Where do you live now, Mr. Caldwell?—A. 1121 North Twelfth.

How long have you been living there?—A. I have been living there for about nine or ten months.

Q. Where were you living before that?—A. I was living 1128 North Eighth street.

When did you move from 1128 North Eighth street to your premises?—A. I disremember what month it was.

Can't you fix it now; give us some date?—A. No, sir; I can't fix the date.

Well, can't you give us within a month or two?—A. I think it was May or August.

That is as close as you can give it?—A. Yes, sir.

And you think you have been in your present place of residence for eight months?—A. I said nine or ten months.

Were you ever registered in the city of Saint Louis?—A. No, sir.

Q. And never voted?—A. No, sir.

Q. Or anywhere else?—A. No, sir.

Q. Never voted in your life?—A. No, sir.

Examination waived.

61 JERRY CLARK, recalled in rebuttal.

By Mr. POLLARD:

Question. You have already testified in this case and been sworn!—
Answer. Yes, sir.

Q. When you were on the stand before, Mr. Clark, I believe you testified that you lived, and did live for three years, in the rear of 909 Biddle street, and that you went to the poll on the second day of November last to vote, that poll being on O'Fallon street, between Ninth and Tenth, and that you offered there to register and vote, and that they refused to register you there or allow you to vote?

Mr. DONOVAN. I object to that question for two reasons: in the first place the counsel for the contestant has very adroitly
62 summed up the evidence that the witness gave before, and puts it in the witness's mouth, for very fear that he might skip the facts that he swore to before; in the second place, I object that this man's name is not Jerry Clark, but that his name is Henry Haskins, alias Greenback Charley.

Mr. POLLARD. If the counsel for the contestee had been a little conversant with his case he never would have made that statement, because we have not had a man on the stand by the name of Haskins, or anything sounding in the remotest degree like that, either white man
63 or black or copper-colored, and the counsel for the contestee ought to have known that, if he had studied this record a little more carefully

Mr. DONOVAN. Inasmuch as this gentleman has stated frequently that his name is Henry Haskins, and did request a witness for the contestee to go back on the stand and state his name to be Jerry Clark instead of Henry Haskins, and the contestee's witness refused to do it because that was the true name of the man, I take it that my objection is well founded.

(Question repeated to the witness by the notary.)

A. I did.

By Mr. POLLARD:

Q. Do you know a colored man by the name of Jesse Woods?—A. Yes, sir.

Q. Do you know another colored man by the name of Thomas Gross?—A. Yes, sir.

64 Q. Did you ever have any conversation with Jesse Woods, wherein you told him that you had testified two or three times in this case?—A. No, sir.

Q. Now, I wish you would tell the notary whether you have ever testified more than once in this case before to-day; and, if so, when?—A. No, sir; I have not.

Q. What did you give your name then when you testified?—A. Jerry Clark; that is my name.

Q. You are sometimes called "Greenback," are you not?—A. Yes, sir.

Q. You have worked sometimes on the Scudder, have you not?—A. Yes, sir.

65 Q. Now, did you ever have any conversation with Jesse Woods about this case?—A. No, sir; never did.

Q. Did you ever tell Mr. Gross either that you had testified more than once in this case, or that you were getting 25 cents apiece for bringing witnesses up here?—A. No, sir; I didn't tell anybody, because I don't know anything about it.

Q. You never did bring any witnesses here but yourself?—A. No,

Q. And you were paid 75 cents, just as you think, for being a witness?—A. Yes, sir.

Q. And that is all you ever got out of this case?—A. Yes, sir; that all I ever got out of this case.

Q. Did you ever hear any conversation between this man Thomas Gross and John Magee?—A. Never did.

Q. Do you know John Magee?—A. Yes, sir.

Q. Do you know what Jesse Woods's business is? What is it?—A. is a gambler.

Q. Do you know what Thomas Gross's business is?—A. Yes, sir.

Q. What is it?—A. Well, he is a fireman on the river sometimes.

Q. Do you know whether Jesse Woods has been arrested within the three or four days for gambling?—A. He was arrested Friday, I believe; I don't know on what he got arrested; on Saturday night I heard them say they were after him.

Mr. DONOVAN. I object, for the reason that the statement of this witness is not to be taken for anything in that regard, because that other man, of whom they now speak is within the reach of the process of this court, and lives within a few blocks of where this examination is being held.

By Mr. POLLARD:

Q. Did you ever go under the name of Haskins?—A. No, sir.

Q. Never had that name?—A. No, sir.

Q. Never did have that name at all?—A. No, sir; that aint my name all; I say I have never had that name; my name is Jerry Clark; I can prove it to you that that is my name by people who raised me.

Cross-examination by counsel for the contestee, Mr. DONOVAN:

Q. Have you got a subpoena?—A. Yes, sir.

Q. Will you please show it to me?—A. I haven't got it here.

Q. What name was inserted in that subpoena?—A. Jerry Clark, and that is my name; there is people that I was raised with here in town now; I can go and get them.

Q. What other name was in that subpoena?—A. Nothing but Jerry Clark. You can send and get it, and you can read it yourself if you want to. I can't read myself; my name was on there.

Q. What is your present business?—A. Me? I am fireman on the river.

Q. What boat?—A. Any boat I can get on.

Q. What boat are you on now?—A. I aint on any boat, I am in the city now.

Q. When were you on a boat last?—A. I was on the Scudder; I don't know exactly what day I made the last trip.

Q. How long ago?—A. Well, I will tell you the date we came up, it has been about a week or such a matter ago; I don't know exactly at time it was.

Q. How long have you been idle?—A. I have been idle a little over a week.

Q. How long have you been idle this winter?—A. I couldn't say.

Q. About how long?—A. I couldn't say that neither.

Q. Was it a month or two months?—A. I can't say that.

Q. Were you idle four months?—A. I can't say that neither.

Q. If you were idle four months, how did you amuse yourself?

—A. How did I amuse me; I was expecting to go to work.

Q. If you were idle four months this past winter, how did you fill in your time?—A. I don't know what you have reference to.

(Question read by the notary.)

A. I haven't been doing much of anything during this winter.

Q. Then you have been idle all winter?—A. No, sir; I have not.

Q. Well, you state you weren't doing much of anything all winter: presumed from that you were doing nothing?—A. I mean part of the winter; I made a trip this winter, and our wages is from 120 on down now you might say that is a lie.

71 Q. I might say what is a lie?—A. That wages is 120 dollars this winter.

Q. For such fellows as you?—A. Yes, sir; for such fellows as me.

Q. Doing what?—A. Doing what; on a steamboat; any man that would go on.

Q. Now, the last man that was on this witness stand said the rate wages was 35 to 45 dollars—

WITNESS (interrupting). At the present time.

COUNSEL. How do you come to such an extravagant sum as 120 dollars.

A. You can see it in the paper. There is the officers that paid me you can go and ask them.

Q. Do you know how much the Anchor Line pays?—A. We are talking of cotton boats now.

72 Q. You have stated that you were working on the Scudder, and the Scudder is an Anchor Line boat?

WITNESS. Did I state I was always on the Scudder?

COUNSEL. You were on the Scudder last; weren't you?

A. Yes, sir.

Q. Now, how much does the Scudder pay its mates, who are like general in the army to a private?—A. I couldn't go and say.

Q. You being a private?—A. I don't know.

Q. Do you think that they pay their mates 120 dollars?—A. I have the proofs that this winter they paid 120 dollars; I can swear to that.

Q. How long did you work for that 120 dollars?—A. I didn't see was getting that money; you watch out what I say.

73 Q. Then you didn't earn 120 dollars a month?—A. I didn't earn it; I earned all I could get; we would get 200 dollars would earn it.

Q. Your rate was at 120 dollars a month, then, your rate of compensation?—A. That is what I said; I didn't lie about it, either.

Q. What you did say about it was that you were getting 120 dollars—A. I didn't say that I was getting it; I said boats paid that, did I not?

Q. Well, now to come back to my first question, you have been the greater part of the winter; I want to know how you amuse yourself during your idle hours?—A. I made a trip on the

74 Gould this winter; went out for 44 days, and that don't count part of the winter.

Q. Well, how much did you get for your 44 days on the Jay?—A. I believe I got 57 dollars, if I aint mistaken.

Q. Now, Mr. Clark, or Mr. Haskins, or Greenback Charles—ever your name is—

Q. (Interrupting.) I aint got but one name, and that is Jerry.

Q. Aint you known as "Greenback"?—A. No, sir; I aint "Greenback."

Q. Aren't you known by the name of "Greenback"?—A. "Greenback," but Jerry Clark is my name.

Q. Aint you known by the name of "Cricket?"—A. They can call me "Rabbit," if they want to.

Q. Aint you known by the name of "Cricket" is my question?

—A. I am known by the name of Jerry Clark, and I can prove it.

Q. Are you not also known by the name of "Greenback," and also the name of "Cricket"?—A. I am known by the name of Jerry ark.

Q. Are you not also known by the name of "Cricket"?—A. Yes, : they call me "Cricket."

Q. And they call you "Greenback," too?—A. Yes, sir; they call "Greenback."

Q. And they call you "Haskins"?—A. No, sir.

Q. Never were called "Haskins"?

WITNESS. Hoskins what?

Q. You never were called "Hoskins"?—A. No; I was not.

Q. Never heard yourself addressed as Haskins?—A. No, sir.

Q. Never in your life?—A. No, sir.

Q. And your name is not Henry Haskins?—A. No, sir.

Q. Well now, Mr. Clark, or Mr. Greenback, or Mr. Cricket, how en were you arrested in the city; count it up on your fingers; I will e you full time?—A. I didn't come up here to talk about being ar- ted; I don't know that I will answer that.

Mr. POLLARD. You needn't answer that question unless you see fit; instructions to the witness are that he need not answer that ques- n unless he desires to.

Mr. DONOVAN. Well, will you now be good enough to inform me how often you were arrested since you selected Saint Louis as your place of abode?

Mr. POLLARD. You need not answer that question.

A. I will not answer that question.

By Mr. DONOVAN:

Q. Why will you not answer that question?—A. Because I don't ne here to answer any such question.

Q. Well, if you will not tell me how often you were arrested since i selected Saint Louis as your residence, will you be good enough to orm me for what you were arrested on any of these occasions?

Mr. POLLARD. I instruct the witness that he need not answer that ation.

A. I will not answer that question.

By Mr. DONOVAN:

Q. Mr. Cricket or Mr. Clark or Mr. Greenback, why will you not answer it?—A. Well you said Cricket; my name is Clark, and all these different names don't belong to me.

Q. Which name do you select?—A. Mr. Clark.

Q. Mr. Clark, will you be good enough to answer any of these ques- is?—A. I don't feel supposed to answer them, sir.

Q. But, then, will you be good enough to inform me why you see fit to answer them?—A. I will when you compel me to answer those ations.

Q. I am not exercising any compulsion, but I am free to say it would tify me very much if you would be pleased to answer my question.

—A. I didn't come here to answer any such question.

Q. Then, since you will not answer the question, would you be good enough to inform me what is your reason for thus refus-

?—A. For instance, if you were to ask me any one of such foolish ques-

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ions about my being arrested or anything of that kind, I wouldn't answer any such questions, because it was none of your business; that is the way I look at it.

Q. Is that addressed to me?—A. I can't explain myself any more fuller than that. I can't explain myself.

Q. But you can explain very readily why you refuse to answer such a plain question as I have put to you?—A. I have nothing more to say; that is all I have got to say, sir.

Q. And you refuse, then, to explain why you refuse?—A. I have told you.

Q. You were told by these gentlemen not to answer it.—A. No, sir; I was not; if I was, I don't know it.

Q. You were not instructed to refuse to answer that question when I put it to you.—A. No, sir; I weren't.

Mr. POLLARD. You were instructed by me not to answer it unless you saw fit.

By Mr. DONOVAN:

Q. Did not some of these gentlemen around here in charge of the colored brigade instruct you to refuse to answer such a question?—No, sir; they did not.

Q. Where were you living on election day?—A. Well, I tell it is in 909. I disremember the number, but it was in the of between 9th and 10th, fronting the school-house, back yard there.

Q. How long have you lived there?—A. Well, I have been there quite a while, off and on.

Q. What do you mean by off and on?—A. About three years a matter.

Q. Were you living there all the time during the last three years?—A. I was living on steamboats; I was here sometimes.

Q. Were you living more on steamboats than you were at the river and stay up there for sometimes six months, sometimes a year; sometimes I would be up the Missouri River.

Q. Iowa, Minnesota, and Wisconsin?—A. You can call it that; I have been up there—run up there different times; I have been up there for a year?—A. Well, anyway; sometimes make it up there

A. Well, sir, I don't come here for to answer any such question as that.

By Mr. DONOVAN :

84 Q. Were you not arrested for cutting open the pockets of roustabouts ?

Mr. POLLARD. I object to that question ; and instruct the witness that he need not answer.

A. I won't answer any such question as that ; there is no use-asking me, my record is bright.

By Mr. DONOVAN :

Q. Were you ever arrested for rape ?

Mr. POLLARD. I object to the question, and again instruct the witness that he need not answer.

A. I won't answer no such question.

By Mr. DONOVAN :

Q. Have you ever, in your private character as a citizen, visited the houses of punishment in this country ?

Mr. POLLARD. I object to that question as being utterly unintelligible.

85 A. I have got nothing to say, sir.

Q. Well, have you, either as a member of a committee or otherwise, visited the work-house of the city of Saint Louis, and the rock pile ?

Mr. POLLARD. I object to the question, and instruct the witness he need not answer.

A. I don't answer any such questions as those.

By Mr. DONOVAN :

Q. Is this because you would be held up to the contempt of all decent citizens if you gave an honest answer to the question ?

WITNESS. (To the notary.) Well, I don't know what he has reference to. (To the counsel.) Explain yourself ; I can't understand you.

Mr. POLLARD. I object to the question, and state that he need not answer even that question.

86 A. I don't answer the question ; I don't understand it, and I can't answer it.

By Mr. DONOVAN :

Q. How long have you known Jesse Woods ?—A. I couldn't say just the time.

Q. About how long ?—A. Well, I may say about a year ; I will say about seven months ; I am sure of that long, I may have known him longer.

Q. Now, when you went to get Jesse Woods to come here as a witness, what did you state to him in that conversation ?—A. I don't go to get him, sir.

Q. How many men did you get at his place ?—A. I never got any, sir.

Q. When you received your money what did you do with it ?—A. Put it in my pocket.

87 Q. Did you drink it, spend it in drink ?—A. I can't say ; I don't think so.

Q. After receiving it, did you visit the saloon where Jesse Woods is

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Q.—A. If I went to the saloon, and he had been there, that is more than I can say; I didn't ask for him.

Q. You knew him when you saw him?—A. Of course; but I didn't see him there.

Q. Now, after you got your money here, where did you go to?—A. I don't know; I can't say that.

Q. Haven't you any idea where you went?—A. I went down to the river, that is where I went; that is what I remember.

Q. Where to?—A. I went down here to the wharf-boat; on the Anchor Line wharf-boat.

88 Q. How long did you stay there?—A. I didn't take notice of the hours.

Q. Where did you go to after you left the Anchor Line wharf-boat?—A. I went home.

Q. You didn't stop at any saloon on the way?—A. I might have stopped; I don't say nothing about that.

Q. Do you recollect the name of the mate on the wharf-boat there for went to see?—A. Christ. has been mate of the wharf-boat there for years.

Q. What is his other name?—A. That is all I know; I don't know any other name.

89 Q. Now, didn't you drop into the saloon of Jesse Woods before you went to that boat?—A. I did not; I don't know that I went to any place that he was there; I didn't take notice of it; I don't say whether Jesse Woods was there before me or not.

Q. How much time did you spend on this case when you came the first time?—A. I reckon I was here about 15 or 20 minutes; not here long; that was the first time I was on the stand.

Q. Well, when did you return?—A. I didn't come back at all.

Q. You were not doing anything during those days about that you come up here the first time?—A. Well, I was some sacks down on the levee; worked on the wharf-boat Davis, or whatever you are a mind to call it.

90 up chains, tying it up, and so forth.

Q. That was one day's work?—A. Of course, that was work.

Q. Did you not interest yourself in this controversy her had testified in this case?—A. I did not, sir.

Q. Did you not speak about it?—A. Not to my remembrance.

Q. Never mentioned the fact?—A. Not to my remembrance.

Q. When were you spoken to last by an agent of Mr. S regard to the testimony that you are now giving?—A. Nothing about his agents at all; no one has spoken to me about it by any half in regard to the testimony that you had given.

91 Q. When were you spoken to about it by any half in regard to the testimony that you had given?—A. I don't remember.

Q. You were not interested yourself in this matter from the time you were arrested, of course?

32 Q. What did you do that for; what was your reason for that?

—A. I didn't do it; I had no *controcession* with Mr. Gross.

Q. Didn't you have a conversation with him two or three or four days ago?—A. I might have been in company with him, but as to any *controcession* that I might have had with Mr. Gross I don't remember.

Q. So you did have a conversation; how many were present, Mr. Gross being in the same company?

WITNESS. When I had that one? I never had any one.

Q. But you said you had a conversation; that he was present; how many were present?—A. Here is all I said: I said I might have

93 been where Mr. Gross had been in conversation with some one else. I don't know, Mr. Gross might have come up; for instance, I am talking to somebody else, and Mr. Gross might come up; I don't know about such as that, but as to holding any *controcession* with him, I told you I did not.

Q. Had you any relatives of the name of Haskins?—A. I have a brother named Turner Clark, and I have a brother named Felix Clark, and my name is Jerry Clark; you can very quick find out about the name if you want to.

Q. Have you any relatives of the name of Haskins?—A. Never have; couldn't have.

Q. How did you get the name of Greenback?—A. Merely a nick-name on the river; they just give me that nick-name on the
94 river.

Q. How did you come to get the name of Cricket?—A. Well, that is a nick-name, too.

Q. Well, how did you get the name of Haskins?—A. I never got that name.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Tuesday, April 19, 1881, then to be continued at the same place, at the same hour of half-past nine o'clock in the forenoon.

[SEAL.]

FRANK. KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 55.

1 Pursuant to adjournment, as above stated, on the 19th day of April, 1881, at the hour of half-past nine o'clock in the forenoon, I continued the taking of depositions as follows:

JOHN DIETERICH, was then called in rebuttal by the counsel for the contestant. Being duly sworn by the notary, and examined by the counsel, testified as follows:

By Mr. POLLARD:

Question. What is your full name?—Answer. John Dieterich.

Q. Where do you live?—A. I live on Broadway, between Bremen avenue and Salisbury.

Q. What is the number on your house?—A. 3715.

2 Q. Broadway?—A. Broadway.

Q. How long have you lived there, Mr. Dieterich?—A. About three years.

Q. You registered and voted from that number last fall, didn't you?—A. Yes, sir.

Q. And you lived there?—A. Yes, sir.

Q. What is your business?—A. My business is a barber.

Cross-examination by the counsel for the contestee, Mr. DONOVAN:

Q. Did you live on the north side of Benton, near Broadway?—A. No, sir.

Q. What year were you born in?—A. I was born in 1858.

Q. What is your father's name?—A. George Dieterich.

Q. Where does he live?—A. 3715; same house where I stated.

3 Q. Well, what John Dieterich is it that lives on the north side of Benton, near Broadway?—A. That is my uncle.

Q. Why didn't you say so when I asked you first, without taking about ten minutes to consider?

Mr. POLLARD. He didn't take one-half or one-quarter of a minute: I therefore object to the remark of the gentleman.

Mr. DONOVAN. Please answer the question.

A. Because I stated it is my uncle.

Q. Did you not know that this was your uncle, without having this gentlemen over here, whatever his name is, instruct you, and to have Mr. Pollard direct you?—A. Yes, sir; I did.

Q. Why didn't you answer then?—A. I answered now, didn't I?

4 Q. Are you just 19 years old?—A. No, sir; I am 22.

Q. When did you cast your first vote?—A. Last time; at that election.

Q. Who took you to the polls?—A. Mr. Myers.

Q. Who is Myers?—A. Myers keeps a hardware store right in the same block.

Q. Did your father go with you to the polls?—A. Yes, sir; my father, too.

Q. You are sure you are 22 years old?—A. Yes, sir.

Q. Now do you work at 3715 Broadway, or do you live there?—A. I live there.

Q. What sort of a place is it?—A. It is a shoe-store.

By Mr. POLLARD:

Q. It is a residence besides a shoe-store. You and your father live there?—A. Yes, sir; yes, sir. Yes, sir.

Q. And there is a shoe-store underneath, is there?—A. Yes, sir; and upstairs I live.

Q. Who keeps the shoe-store?—A. A man named George Dieterich; my father.

Q. So if this man who went to inquire there for you had gone there and asked the man there, he could very easily have found out at any time that you were living there?—A. Yes, sir; he could.

By Mr. DONOVAN:

Q. But when he went there he found that there was a shoe-store there?—A. Yes, sir; there is a shoe-store there. Yes, sir.

Signature waived.

At this point a recess was taken until this afternoon at two o'clock; at which time all parties in interest being duly assembled, and announcing themselves ready to proceed, the examination of witnesses was resumed as follows:

JOHN F. WALTON was then called in rebuttal by the counsel for the contestant. Being duly sworn by the notary, and examined by the counsel, testified as follows:

By Mr. POLLARD:

Question. What is your name?—Answer. John F. Walton is my name.

Q. How long have you lived in Saint Louis, Mr. Walton?—A. About 7 years.

Q. You are a member of the legislature of the State of Missouri?—A. At the present time, sir. Yes, sir.

Q. State if you are acquainted with William E. Hardwig.—A. Yes, sir; I am.

Q. State, if you know, what his reputation for truth and veracity is?

—A. As far as I know, it is good.

Cross-examination by the counsel for contestee, Mr. DONOVAN:

Q. How long have you known him?—A. I have known Billy Hardwig, I think, about seven or eight years, I guess about eight years.

Q. He mixes a good deal in politics?—A. He used to, I don't know whether he does yet; I do a little myself.

Q. He has been charged with a good many betrayals of trust?—A.

I can't say that I know of them, of my own knowledge.

Q. Don't you recollect of his being charged with running away with the ballot-boxes in the Wells-Slayback fight, and tampering with the ballots?—A. I heard that he—what precinct have you reference to?

Q. One of the precincts during that fight.—A. No; I heard the ballot-boxes were run away with, but I never heard that Billy Hardwig had anything to do with it; that was Eleventh and Christy avenue, believe.

Q. What year was that?—A. Well, it was—oh, well, I forget the year exactly; it was the year that Wells and Slayback were running, I think, got elected up there, if I remember right.

Q. Do you know what Hardwig's business was?

WITNESS. At that time.

9 COUNSEL. Yes, sir.

A. At that time, I don't know whether he held a city position or not; he is a mechanic by trade; I think he is a stone-cutter.

Q. He has not been engaged at his occupation for a long time, has he?—A. Well, he has been employed by the city as a street overseer, in regard to cleaning of streets.

Q. Do you recollect when he was discharged from that position?—A. No, sir; I do not.

Q. Do you know what charges were made against him then?—A. I do not.

Q. Why he had to be removed?—A. I do not.

Q. How often have you seen him during the past year?—A. Not very often; since he moved up town I haven't seen him very often; he used to live in our ward at one time.

Q. How long ago is it since he lived in your ward?—A. I think it is two or three years.

Q. But you haven't seen him very frequently since?—A. Not very; perhaps I seen him once a month or once in two months; I would meet him on the street or in a saloon.

Signature waived.

11 THOMAS W. PATTERSON was then called in rebuttal by the counsel for the contestant, and being duly sworn by the notary, and examined by the counsel, testified as follows:

By MR. POLLARD:

Question. Mr. Patterson, you have been employed within the last week and a half, or two weeks, to look for certain parties whose names and addresses were furnished you upon cards?—Answer. Yes, sir.

(At this point the witness is withdrawn by consent for the present.)

12 JOHN H. MCCARTY was then called in rebuttal by the counsel for the contestant, and being duly sworn by the notary, and examined by the counsel, testified as follows:

By MR. POLLARD:

Question. What is your full name, Mr. McCarthy?—Answer. John H. McCarthy.

Q. What is your business?—A. Machinist.

Q. How long have you lived in Saint Louis?—A. Seventeen years.

13 Q. Do you know William E. Hardwig?—A. I do.

Q. How long have you known him?—A. Well it is about eight years.

Q. Do you know what his reputation is for truth and veracity in this city?—A. Well, sir; I think it is always good, at least with me it was.

Q. You have known him and have known him intimately, have you?—A. Yes, sir.

Cross-examination by the counsel for the contestee, Mr. DONOVAN:

Q. Who did you ever hear discuss his reputation for truth and veracity?—A. I never heard his truth and veracity questioned.

Q. Did you ever speak to anybody about the subject?—A. No, sir.

Q. Did Mr. Hardwig request you to come here and testify as to his character?—A. I don't know—the first I knew about it was—

14 Q. My question was, did Mr. Hardwig request you to come here to bolster up his character in that regard?

r. POLLARD. We object to that manner of asking a question.
I don't know whether he subpoenaed me or not. I was not at
the time when I got the subpoena.

By Mr. DONOVAN:

Q. Did you know what you were brought here for?—A. No, sir; I
don't. I thought it was very strange I should get a subpoena from
the third Congressional district when I lived in the second Congres-
sional district.

Q. How far do you live from Mr. Hardwig?—A. Mr. Hardwig I
believe, lives away up on Tenth street now; I live and have for
seventeen years lived in the old Fifth ward, now the Seventeenth
district.

Q. How far are your residences apart?—A. About two or three miles.

Q. How often have you seen Mr. Hardwig in the past month?—A.
Two or three times.

Q. Did he tell you that his reputation for truth and veracity was af-
fected in this case?—A. I believe I read that in the newspapers. He
told me if I recollected a certain letter that was sent down here by
Slayback. I told him I did. He told me he was going to have me
subpoenaed about that; I gave the matter no thought.

Q. How often have you seen Mr. Hardwig in the past year?—A.
About half a dozen times, may be more.

Q. Well, you are not thrown with him generally?—A. Not at pres-
ent. I am not.

Q. You are not thrown with those people who associate with him?—
A. I know a great many of his acquaintances. In fact, I know most all
of his acquaintances.

Q. Did you know him when he was discharged from the city hall?—
A. Yes, sir; I did.

Q. What was the charge made against him there?—A. I don't know.
Well, for some corruption in office, was it not?—A. I do not know.

Q. Well, isn't he regarded generally as a "sell out" man?—A. I
couldn't say that, sir; because he has never sold me out and I
have had a good deal of dealing with him, both money matters
in confidence. I have worked with him very often.

Q. Where did you work with him?—A. Down in the harbor depart-
ment under Thomas and Timothy Hickey.

Q. You were an employé of his?—A. No, sir.

Q. Well, you were under his supervision?

WITNESS. Employé of his? Hickey was the man that hired me. I
was in the employ of Hickey.

Q. He was supervised by Mr. Hardwig and your work was super-
vised by him?—A. No, sir.

Q. But were you working under Hardwig?—A. I was not work-
ing under Hardwig. I said Hickey was the one I was working
for, for his boat was right next to mine working up and down the
river. He was making a report of boats that were coming in and going
out, seeing that the boats were licensed, and so forth.

Q. Mr. Hardwig has been in the habit of taking an active part in the
political affairs that we have had here?—A. He has been a very active poli-
tician.

Q. He will work for the side that will pay him most as a general rule?
A. Well, I couldn't say that, because I don't know anything about his
political affairs.

His signature waived.

19 THOMAS W. PATTERSON called, and testimony now resumed.

By Mr. METCALFE:

Question. You have been employed within the last week and a half or two weeks to look up certain parties whose names and addresses were furnished you upon cards?—Answer. I have been employed since yesterday a week—Monday a week.

Q. By whom were you employed?—A. By Mr. Wieschahn.

Q. Did you go to the places written upon the cards furnished you?—A. Yes, sir.

Q. What degree of diligence or care, Mr. Patterson, did you exercise in looking up the parties indicated?

(Mr. Donovan, counsel for the contestee, objects to this testimony, unless it is strictly in rebuttal of the testimony introduced by the contestee regarding these names, because, from our experience with previous witnesses, instead of rebutting testimony offered by the contestee, they have simply testified to facts in chief.)

Mr. POLLARD. I assure the gentleman it is not our intention to ask about any one single individual whom he, on the part of the contestee, has not asked about; and if there is one in there it is by mistake. I am informed that there is probably not one in there.

Question read to the witness, as follows: What degree of diligence or care, Mr. Patterson, did you exercise in looking up the parties indicated?—A. Well, I found as many as I could, to the best
21 of my ability.

By Mr. METCALFE:

Q. You have in your hand, Mr. Patterson, cards, I see?—A. Yes, sir.

Q. There are memorandums on the back of each one of those cards, are there not?—A. Yes, sir.

Q. State at what time, with reference to the inquiry, the memorandums upon those cards were made; whether it was at the time of the inquiry or later, or at what time it was done?—A. It was done at the time I made the inquiry.

Q. By whom were the memorandums made?—A. Either by the people at the house or next door.

Q. You didn't understand my question. In whose handwriting were the memorandums made?—A. They are in my hands.

22 Q. They were written by you?—A. Yes, sir.

Q. Did you inquire at 1337 North Eighth street for John Bannan?—A. Yes, sir; I did.

Q. What did you learn in reference to this party?—A. He moved before the election.

Q. From whom did you obtain that information?—A. Well, the lady wouldn't give her name.

Q. But you got it from the lady that lived in the house, did you?—A. I got it from the lady next door. She wouldn't give me her name; she said she wouldn't give her name to anybody; there had been five or six around there, and she wouldn't give her name no more.

Q. Did you inquire at 1328 North Eighth street for a party named John Maher?—A. Yes, sir; I did.

23 Q. What information did you obtain in regard to this gentleman?—A. He didn't live there.

Q. From whom did you obtain that information?—A. From Mrs. Haman.

Q. State whether Mrs. Haman knew any such a party?—A. They said they didn't live there, and she didn't know him.

Q. Did you inquire for Jerry O'Toole, 815 O'Fallon street?—A. I did.

Q. What did you learn?—A. Moved about the tenth of October.

Q. From whom did you obtain that information?—A. She wouldn't remember her name either.

Q. From a lady or gentleman?—A. A lady in that house.

Q. What did you learn in reference to John Delaney, 1321 North Eighth street?—A. Don't live at this number.

Q. Did you learn whether or not he had ever lived there?—A.

I did not; she couldn't tell; nobody knew him.

Q. You said no party knew him there?—A. No, sir.

Q. What information, if any, did you obtain in reference to Patrick Ryan, 1421 North Eighth?—A. He moved before election.

Q. From whom did you obtain that information?—A. Mrs. McCar-

thy. State whether or not you found that party at that place?—A. I did not; he removed before election; didn't find him at all.

Q. From whom did you obtain that information?—A. From Mrs. McCarthy.

Q. Where did she live?—A. She lives at 1421 North Eighth.

Q. Did you make other inquiries in the neighborhood for that man?—A. That is the landlady that told me that.

Q. What information, if any, did you obtain concerning a man named Michael Green, 1414½ North Eighth?—A. Moved before election.

Q. From whom did you obtain that information?—A. From Mr. Dar-

by. Where does he live?—A. He lives at that number—1414½ North Eighth street.

Q. And he told you that this man had moved away before the election?—A. Yes, sir.

Q. Did you inquire for John Arthur, at 1823 Carr street?—A. Yes,

Q. What did you learn?—A. He moved before election.

Q. From whom did you obtain that information?—A. Mrs. Shields.

Q. Where does she live?—A. She lives at that number.

Q. Did you make any other inquiries in that neighborhood?—

A. No, sir; I did not.

Q. And what information did you obtain concerning a gentleman named Michael Lee, 1221 North Seventh?—A. He moved in September.

Q. From whom did you obtain that information?—A. They wouldn't remember their names.

Q. Parties living in the house?—A. Parties living in the house.

Q. Do you know how long they had lived there?—A. They didn't

Q. What information did you obtain in regard to Robert W. Higgins, 1229 North Seventh street?—A. He removed about a year ago.

Q. From whom did you obtain that information?—A. From Mrs. Burnside, the landlady.

Q. At that house?—A. Yes, sir; that number.

Q. Did you make any other inquiries for him?—A. No, sir; I did not.

Q. What information did you obtain in regard to a gentleman named Martin Higgins, 1227 North Seventh?—A. He was not known.

Q. From whom did you obtain that information?—A. From Mrs. Burnside. No; he moved a year ago; that is the right answer.

Q. You refer to Martin Higgins ?—A. Yes, sir ; I made a mistake saying, " Not known." He was there a year ago.

Q. You obtained that same information from Mrs. Burnside ?—A. Yes, sir ; the same number.

Q. Does Mrs. Burnside live at 1227 or 1229 North Seventh ?—A. She lives at 1227. She owns 1227 and 1229 both. double house.

Q. And she stated to you that both these parties moved away a year ago ?—A. Yes, sir.

Q. What, if any, information did you elicit in respect to Patrick Hammond, 713 Biddle street ?—A. He never lived there.

Q. Who told you that ?—A. Thomas Reardon, who owns the ground on the corner.

Q. He told you that Patrick Hammond never lived there ?—A. Yes, sir.

Q. What information, if any, did you obtain concerning a party by the name of James Duddy, 822 O'Fallon ?—A. Moved over a year ago.

Q. From whom did you obtain that information ?—A. From Mrs. Duddy's son.

Q. Where does she live ?—A. She lives at that number.

Q. And she told you that he moved over a year ago ?—A. Yes, sir.

Q. What information, if any, did you obtain in regard to William Wood, at 1719 North Seventh ?—A. He is not known ; couldn't find information at all about him.

Q. From whom did you obtain that information ?—A. From nobody around there. I couldn't find anybody that would give me names. There was so many around there before me that they were none of them give me their names.

Q. State whether or not you made any inquiry for a man named Patrick McNamara, at 708 Biddle street.—A. Yes, sir.

Q. What is your information in regard to that gentleman ?—A. Moved a year ago.

Q. Did you find out whether there was any Patrick McNamara living at that place ?—A. There is one living there.

Q. There is one up there ?—A. The man I got the information from.

Q. State whether or not he told you there was another of that name ?—A. Yes, sir ; he says his nephew was living there but had removed from there. He left there over a year ago.

Q. You learned, as I understand you, that there was only one Patrick McNamara living there at the time of the election ?—A. Yes, sir.

Q. State whether or not you made any inquiry concerning a man named James Sweeney, 1426 North Tenth street ?—A. Yes, sir.

Q. What information did you gain ?—A. Moved before election.

Q. From whom did you get that information ?—A. Mrs. Sweeney.

Q. Where does she live ?—A. She lives at that number down North Tenth street.

Q. State what information you gathered in regard to a man named Ben. Brady, 1112 North Eleventh ?—A. He removed in September.

Q. From whom did you obtain that information that he removed in September ?—A. From Mr. Burwick.

Q. Where does he live ?—A. He lives at that number down North Tenth street.

Q. What information did you gather as to Thomas Meagher, O'Fallon street ?

WITNESS. Isn't that Maher ?

COUNSEL. It is spelled Meagher.

. He never lived there.

Q. From whom did you get that information?—A. Mrs. Tobin.

Q. Where does she live?—A. She lives at that number.

Q. What information, if any, did you gather concerning John thlin, 1003 Biddle street?—A. He was boarding there but left re the election.

. Who told you that? State whether or not you learned that at the se?—A. I learned that at that house, but I couldn't remember well couldn't pronounce the name.

. Was it the party who is the proprietor of the boarding-house e?—A. Yes, sir.

. What did you learn, if anything, in regard to Thomas Welsh, North Eighth street?—A. Moved about the 15th of October.

. From whom did you obtain the information?—A. From Mrs. Long.

Q. Where does Mrs. Long live?—A. She lives at this number, 1319 North Eighth street.

. Did she state whether or not she had ever known this man Welsh?

. She said she had known him but he had moved the 15th of Octo-

. What did you learn in reference to Thomas Gallagher, 1309 North anth?—A. He is not known.

. Of whom did you inquire?—A. Mrs. Vorcey.

. Where did she live?—A. At this number, 1309 North Seventh et.

. Did you make any other inquiries?—A. No, sir; she is living at number.

. What did you learn in reference to John McShea, north side of r, between Ninth and Tenth?—A. He never lived there.

Q. Of whom did you inquire?—A. I can't make out the name.

Q. Do you know whether or not it was the grocery store?—A.

No, sir; it was a lady at the house.

. On the north side of Carr between Ninth and Tenth?—A. Yes, that is the place.

By Mr. DONOVAN:

. Why can't you read your own writing?—A. I can't spell very i.

By Mr. POLLARD:

. Did you inquire for James Donnelly, 926 Carr street?—A. Yes, there is no such number; that is a college or a sort of a college.

. What did you learn in reference to John Woods, 1323 North Ninth et?—A. He don't live there; not known.

. Of whom did you make inquiry?—A. Mrs. Morgan.

Q. Where does she live?—A. She lives at that number.

. Q. Did she tell you how long she had lived there?—A. Well, she didn't exactly say how long she had lived there; I know her elf to have lived there for a year.

. What did you learn in reference to Thomas Hoolahan, 901 Biddle et?—A. Moved before the election.

. Of whom did you obtain that information?—A. From Mr. Rear, he owns the grocery store on the corner.

. He told you that he had moved before the election?—A. Yes, sir.

. What did you learn in reference to John Reilly, 1237 North Ninth et?—A. Didn't live there.

Q. Of whom did you inquire ?—A. Dominick Doyle.

Q. Where does he live ?—A. He lives at that number.

Q. And he told you that he didn't live there—this man Reilly?

36 —A. Yes, sir.

Q. He didn't say whether the party had ever lived there, but he said he didn't live there before the election day ?—A. That is what he told me.

Q. What information did you gather in regard to a man named Martin Kellaher, 1126 North Second ?—A. Don't live here; moved about two years ago.

Q. From whom did you obtain that information ?—A. A lady living at the house; she wouldn't give her name.

Q. Did she state how long she had been living there ?—A. She didn't say.

Q. She told you that he had moved two years ago ?—A. Yes, sir.

37 Q. What information, if any, did you obtain in reference to a man named A. L. Tiernon, 201 Ashley street, or Tiernay ?—A. I know the gentleman myself.

Q. What did you learn in reference to him ?—A. His name is Tiernay. He moved in September or October.

Q. Of whom did you obtain the information ?—A. From Mr. Mullaly, living right in the yard in the same building; he moved to East Saint Louis.

Q. What information did you obtain in reference to Charles Morgan, 200 Ashley street ?—A. Well, this Charles Morgan he lives there I know, this Charles Morgan lives there at 200 Ashley street. That is a mistake in putting that card in here.

Question withdrawn.

38 Q. What information did you obtain in reference to Alexander Bonner, 1126 Collins street ?—A. He moved during October.

Q. Of whom did you obtain the information ?—A. From Mr. Burke.

Q. Where does he live ?—A. He lives at this number, right downstairs.

Q. And he told you this party had moved during October ?

Q. What, if anything, did you learn concerning Patrick Buckley, 1200 Collins ?—A. He never lived there.

Q. From whom did you obtain that information ?—A. From the lady living there, but she wouldn't give her name.

Q. Do you know whether there is such a number as 1200 Collins street ?—A. Well, yes; I think there is. The corner of Collins and Biddle is 1200.

39 Q. You think there is a 1200 Collins street ?—A. Yes, sir; it is a boarding-house. The Parnell House it is called.

Q. Is that 1200 Collins street ?—A. Yes, sir.

Q. Which side of the street is it on ?—A. On the west side of Collins, on the south side of Biddle.

Q. What information did you obtain in reference to Edward W. King, 1239 Collins street ?—A. Moved the 11th of October.

Q. Of whom did you obtain that information ?—A. From Mrs. Carroll.

Q. Where did she live ?—A. She lives at that number.

Q. What information did you obtain in reference to James Downey, 1223 Collins street ?—A. He moved last summer.

Q. From whom did you learn that ?—A. Harry Owens. He is the proprietor of that house and keeps a coal-yard. Downey boarded with him.

Q. He told you that that man moved away in the summer?—

A. Yes, sir.

Q. What did you learn in regard to Martin Keefe, 1308 Collins street?

A. He hadn't lived there for two years.

Q. From whom did you learn that?—A. From Pat. Dower.

Q. Where does he live?—A. He lives at that number. He used to live with him two years ago.

Q. What information, if anything, did you obtain in regard to Thomas Sanders, 1456 Collins street?—A. Moved before the election.

Q. From whom did you learn that?—A. From Mrs. Brown; she lives at that number.

Q. What information did you gather concerning a man by the name of Thomas Burns, 1448 Broadway?—A. He don't live there; has not lived there since October.

Q. From whom did you obtain that information?—A. Mr. J. Baker.

Q. Where does he live?—A. He is a bar-tender and lives there at that house.

Q. What did you learn concerning James J. Gorman, 1312 Collins street?—A. I haven't got that number on the cards or that name.

Q. What did you learn in reference to Frederick Brooks, 1312 Broadway?—A. I haven't got that card.

Mr. POLLARD. The last two questions I will withdraw, they are my mistakes.

Q. What did you learn in reference to Daniel Hauley, 1318 Broadway?—A. He hadn't lived there for two years.

Q. From whom did you learn that?—A. From Mrs. McGinness.

Q. Does she live at that number?—A. Yes, sir; she lives at that number.

Q. What did you learn about P. McCarthy, northeast corner of Broadway and Cass avenue?—A. Never lived there.

Q. From whom did you learn that information?—A. From Mrs. Miller.

Q. Where does she live?—A. She lives at that number.

Q. Did she state how long she had lived there?—A. No; she didn't.

Q. But she told you he had never lived there to her knowledge?—A. To her knowledge.

Q. What did you learn concerning a man named Wilson Gross, 1435 North Second?—A. Never lived there.

Q. Of whom did you learn that?—A. Mrs. McBirm; she has been living in that house for two years.

Q. What did you learn, if anything, in reference to Patrick Gill, 13 North Second?—A. Moved seven months ago.

Q. From whom did you obtain that information?—A. From Mr. Hoben, landlord of the house. He left him about seven months ago.

Q. He told you so?—A. Yes, sir.

Q. What information, if any, did you elicit concerning Michael Croak, 7 North Main street?

Mr. DONOVAN. I must object to any of these names and inquiries in regard to them, simply because it is not rebuttal of anything, and if the testimony is designed for any purpose, it must be for matters in chief, and the names seem to me to be adroitly sandwiched in between those that are rebuttal and those that are in chief.

Mr. POLLARD. The record will speak for itself.

WITNESS. He didn't live there.

Q. He didn't live there when?—A. November second.

Q. From whom did you learn that?—A. Daniel Hickey, the landlord of the house.

Q. What did you learn in regard to Patrick Croak, 1507 North Main street?—A. He didn't live there November second at this number.

Q. Who told you that?—A. Daniel Hickey, the landlord of the house. The house is torn down now.

Q. But you saw him you say?—A. I saw the landlord; yes sir.

45 Q. What did you learn in regard to Nicholas Fitzpatrick, 1509 North Main?—A. Didn't live there November second.

Q. Of whom did you learn that?—A. Daniel Hickey, the landlord of the house.

Q. Was he landlord of this house as well as 1507?—A. Yes, sir; he is the landlord of the row there.

Q. What did you learn in regard to Frank Foster, 1318 Broadway?—A. He didn't live there.

Q. Did you learn whether or not Frank Foster had ever slept at 1318 Broadway, or rather, was he in the habit of sleeping there, and did he have his clothes and things there?—A. Yes, sir; I inquired; he didn't live there only two or three months.

46 Q. Of whom did you obtain the information?—A. Mrs. McGinness.

Q. Did you learn when he had lived there, or when he left there?—A. She didn't say.

Q. What did you learn about Edward Coady, living at 1509 North Main?—A. Removed a year ago.

Q. From whom did you learn that?—A. Dan. Hickey.

Q. The same landlord that you have mentioned a few moments ago?—A. Yes, sir; the same landlord that I mentioned a few moments ago.

Q. What did you learn in reference to Thomas Keefe, 1427 Collins street?—A. No such number.

Q. No such number as 1427 Collins street?—A. No, sir.

Q. Did you learn anything in reference to Thomas Keefe?—A. No, sir.

47 Q. What did you learn about Michael Sloney, 209 Florida street?—A. Sloney or Sliney, which is it?

COUNSEL. Sliney, perhaps it is.

A. Moved before the election.

Q. Of whom did you obtain the information?—A. Mrs. McLaughlin; she lives right at the number, up in that house.

Q. What did you learn about Dennis O'Hare, 212 Howard street?—A. He didn't live there.

Q. Of whom did you learn that?—A. I couldn't tell you; the woman she wouldn't give her name at all.

Q. Was she living at that house?—A. Yes, sir; she was living at that house.

Q. What did you learn, if anything, in regard to John Lyons, 48 1824 Broadway?—A. Moved before the election.

Q. From whom did you learn that?—A. From Mrs. Herminghaus.

Q. Where does she live?—A. She lives at that number.

Q. What did you learn about Patrick Mohan, 1541 North Second street?—A. There aint no such number.

Q. No such number as 1541 North Second?—A. No, sir; there is no such man lives here rather; excuse me.

Q. Of whom did you obtain that information?—A. From Mrs. Wallace.

Q. Where does she live?—A. She lives at that number.

Q. She told you that there was no such man living there?—A. Yes, sir; she said she didn't know any such man as that.

Q. What did you learn about a man by the name of James Connell, 219 Mullanphy?—A. He never lived there.

Q. From whom did you obtain that information?—A. From a gentleman there, the owner of the building across the street from it. He said he didn't know any such man. He said no such man lived there at that number.

Q. He owns the building at 209 Mullanphy street?—A. No, sir; it across the street. He wouldn't give his name; there had been so many around there, all asking these questions, that they wouldn't give their names. He owns the property right across the street, and is well acquainted there.

Q. State whether or not you made any inquiry concerning L. Kavanaugh, 1027 North Fifth street.—A. Yes, sir.

Q. What did you learn about Mr. Kavanaugh?—A. He moved three years ago.

Q. And from whom did you obtain that information?—A. From Mrs. Early; she lives at that number; she keeps a boarding-house; at present she keeps rooms there for men—furnished rooms.

Q. She told you he had moved three years ago?—A. Yes, sir.

Q. What did you learn in regard to Thomas Cullin, 1023 North Fifth?—A. Moved 18 months ago.

Q. From whom did you gain that information?—A. From H. Grueneld.

Q. Where does he live?—A. He lives at that number.

Q. What did you learn in reference to William Burns, 515 Carr street?—A. He moved during October.

Q. From whom did you learn that?—A. From Mrs. Lee.

Q. Where did she live?—A. She lives at that number—515 Carr street.

Q. And she told you this man had moved from that house during October?—A. Yes, sir.

Q. What inquiry, if any, did you make in regard to G. H. Walsh, at 14 North Seventh street?—A. I inquired for him there; he was not known around the neighborhood at all.

Q. Did you make inquiries around the neighborhood for him?—A. Yes, sir; I made inquiries around the neighborhood three or four times—both sides of the street.

Q. You went to that number, did you?—A. Yes, sir.

Q. And you couldn't find anything of him?—A. No, sir.

Q. What did you learn about John Cain, 1218 North Seventh street?—A. Well, there is one John Cain living there.

Q. Do you know whether there are two John Cains living there?—A. No, sir; I know there is one John Cain living there.

Q. Did you ask him whether there was any other John Cain living there?—A. No, sir; I did not; when I found he lived there, I didn't ask any further.

Q. State what information you gained in regard to William Foley, 25 Foster alley.—A. He didn't live there; didn't live here November 2d. I learned that from Mrs. Gallagher; she lives at that number.

Q. What, if anything, did you learn concerning Michael Grady, rear of 1225 North Fifth?—A. Didn't live there for a year.

Q. Who told you that ?—A. Philip Lauff.

Q. Did he live there ?—A. He owns the Saint Lawrence Hotel.

Q. That is near this place ?—A. Yes, sir ; it is in that number.

Q. What did you learn concerning Patrick Murphy, 1311 North Sixth ?—A. Removed one year ago.

Q. From whom did you learn that ?—A. I found this out from somebody else afterwards, that he had removed a year ago, but that he was there during the election, and lived there.

Q. You have since learned that ?—A. Yes, sir ; I learned that afterwards—after this top line was put down here, (referring to writing on the card.)

(Question withdrawn.)

54 Q. What, if anything, did you learn in regard to John Maguire, 1300 North Seventh ?—A. Was not to be found there. Doesn't live there. He lives about four doors upon O'Fallon street, or above there.

Q. He doesn't live at this number ?—A. No, sir.

Q. What did you learn, if anything, with regard to whether or not he had ever lived at this number last year ?—A. He didn't live there. I have a witness here, James Sheridan, a police officer, that is his room-mate.

Q. State what information you gained in regard to John Grady, 1401 North Sixth street.—A. Removed during last summer.

Q. Who told you that ?—A. Mrs. Delaney.

55 Q. Where does she live ?—A. She lives at that number.

Q. She told you that he removed last summer ?—A. Yes, sir.

Q. What did you learn of John Hage, 1425 Broadway ?—A. He left there in September.

Q. Who told you that ?—A. Parties in the house there.

Q. What did you learn, if anything, in regard to James Garrity, 2219 Broadway ?—A. Nobody knowed anything about him.

Q. Did you inquire around there in the neighborhood for him ?—A. Yes, sir ; I inquired of several neighbors, and nobody knew him or anything about him.

Q. What, if anything, did you learn in regard to A. G. Bromley, 2520 Broadway ?—A. Moved three or four months before the election.

56 Q. Of whom did you learn that fact ?—A. From the lady living there, but she wouldn't give me her name.

Q. What did you learn about John J. Moran, 4115 North Second ?—A. There is nobody known around there by that name.

Q. Did you inquire around there ?—A. Yes, sir ; I inquired there and from Mrs. Haley.

Q. Where does she live ; at that house ?—A. Yes, sir ; at that number.

Q. State what information you elicited concerning a man named John Coffy, 4009 Kossuth avenue ?—A. I learned that he moved a year ago.

Q. Who told you that ?—A. A lady ; she wouldn't give me her name. They told me she lived there next door.

57 Q. She stated that ? She knew this man, did she ?—A. Yes, sir ; she knew him.

Q. And that he moved a year ago ?—A. And that he moved a year ago. At least she said she didn't know the man's full name, but a family of that name of Coffy had moved from there a year ago.

Q. State if you made any inquiry and if you obtained any informa-

concerning Peter J. Connors, 3125 North Thirteenth street.—A. There is no such number as that.

Mr. DONOVAN. I must again object that this is certainly not in rebuttal of anything. The name of Peter J. Connors has not been testified to by any witness so far.

By Mr. POLLARD :

Q. Did you make any inquiry concerning a man by the name of C. N. Wilson, 1410 Glasgow avenue?—A. Yes, sir.

. What did you learn about him?—A. Left there in October.

. From whom did you learn that?—A. A lady. She wouldn't give her name at all. She lives next door.

. What did you learn concerning a man named J. M. Neal, 1410 Glasgow avenue?—A. Left during October. I learned that from the lady.

. What information did you gain in regard to John Bartholomew, Glasgow avenue?—A. Left during October.

. You found that they had all left during October?—A. Yes, sir.

Q. What information did you gather concerning John Rafe, 2901 Cass avenue?—A. Left before the election.

. From whom did you learn that?—A. From a lady living next to that number. I forget her name now.

. Did she state she knew the party?—A. Yes, sir.

. What information, if any, did you gain concerning a man named George Bryan, 2909 Cass avenue?—A. He left here for over a year.

. Who informed you of that?—A. Mr. Pohlman. He lives at that address.

. What information did you obtain in relation to a man named James Nugent, 2909 Cass avenue?—A. Hasn't lived here for over a year.

Q. Who did you learn that from?—A. I can't make it out on the card. The card is too dirty.

. From parties living in the house?—A. Parties living in the neighborhood there.

. What did you learn about James Doyle, 1127 North Twelfth?—A. Not known.

. Of whom did you inquire?—A. I inquired all around there, but I didn't find out anything about him; nobody knew him around there; made inquiries from Mrs. Scanlan, living there in the neighborhood; had lived there for years.

. What did you learn about E. D. Mabe, 1102 Carr street?—A. Was there at 1917 North Ninth.

. Is it 1917 or 917?—A. 917, rear; moved before last election to that place.

Q. What did you learn about James Flinton, 1022 North Thirteenth?—A. Was not known around there.

. Did you make inquiries in the neighborhood?—A. I did make inquiries in the neighborhood, and none of them would tell me their names.

. What did you learn about Andrew J. O'Toole, 1017 North Fourth street?—A. Removed to 1323 North Fourteenth, between O'Fallon and Cass avenue, a year ago.

. Of whom did you learn that?—A. From Mrs. Lindenbeck.

. Where does she live?—A. She lives at that number.

. What did you learn concerning John Duggan, 1124 North Six-

62 teenth?—A. He didn't live there; a boy 16 years old living there at that house, or in that neighborhood, says Duggan never lived there.

Q. You didn't find John Duggan at that house?—A. No, sir; not of age; no man of age living at that house.

Q. How old was the boy?—A. Sixteen years old.

Q. What did you learn in reference to John J. Laughlin, 1220 North Fourteenth?—A. Couldn't find out anything about him; he was not known there.

Q. Did you make any inquiries in the neighborhood?—A. Yes, sir, I did; I inquired all around the neighborhood.

Q. What, if anything, did you learn of Bernard Caslon, 1227 North Sixteenth?—A. Moved a year in October.

Q. From whom did you learn that?—A. I learned that from Mrs. Owens.

Q. Where did she live?—A. She lives at that number.

63 Q. What did you say the number was?

COUNSEL. 1227 North Sixteenth.

WITNESS. That is right.

Q. What, if anything, did you learn concerning a man named William E. Marlow, 1227 North Fifteenth?—A. Moved during October.

Q. Of whom did you learn that?—A. I learned that from Mrs. Dunn.

Q. Where did she live?—A. She lives at that number.

Q. What did you learn concerning a man named John Summer, 2025 Biddle street?—A. Didn't live there, nor did he live there on election day.

Q. Who told you that?—A. Mrs. Dillon.

Q. Where does she live?—A. She lives next door to that number.

64 Q. Was she acquainted in the neighborhood?—A. Yes, sir; she was acquainted in the neighborhood.

Q. What did you find out in regard to John Newell 2023 Biddle?—A. Didn't live there; the neighbors don't know him.

Q. You made inquiries around there, did you?—A. Yes, sir.

Q. What did you learn in regard to C. H. Redfern, 2019 Division street?—A. On election day he lived at 703 O'Fallon street.

Q. Who told you that?—A. Mrs. Grone.

Q. She told you that he didn't live at 2019 Division street?—A. Yes, sir.

Q. Where does she live?—A. She lives at that number.

65 Q. What did you learn in reference to J. W. McCarthy, north-east corner of Twenty-first and Biddle?—A. They didn't know him there; they said he didn't live in that block.

Q. Did you make inquiries for him on the corner or not?—A. Yes, sir; I did.

Q. Was he known?—A. No, sir; he was not known.

Q. What, if anything, did you learn in regard to Francis Costello, Twenty-second and Biddle?—A. Lawrence Costello lives there, but Francis Costello lives on Twenty-first, between O'Fallon and Cass avenue.

Q. You found that Francis Costello didn't live at that place, Twenty-second and Biddle?—A. Yes, sir.

Q. From whom did you obtain the information?—A. From Mrs. Costello.

Q. The wife of Lawrence Costello?—A. Yes, sir.

Q. What information did you gather in regard to James Smith,

- 2124 Biddle?—A. There is only one James Smith living in this block and known in this number.
- Q. And did you learn at which number he lived?—A. No, sir; I did not.
- Q. And you made inquiries along the block, did you?—A. Yes, sir.
- Q. What information did you obtain in reference to Michael Kenny, Division-street?—A. Moved the 5th of October.
- Q. Of whom did you learn that?—A. Mrs. Grady.
- Q. Where does she live?—A. She lives at this number.
- Q. What did you learn in reference to John T. Moloney, 2117 Division-street?—A. He is not known there.
- Q. Not known at that number?—A. No, sir.
- Q. You made inquiries at that house?—A. Yes, sir.
- Q. Did they state whether or not a party of that name had ever lived at that number or at that place?—A. No, sir; they don't know anybody of that name.
- Q. Michael Halley, what did you learn about that gentleman at 2116 Division-street?—A. He didn't live there. The people around there didn't know him.
- Q. You made inquiries in the neighborhood, did you?—A. Yes, sir.
- Q. J. E. Byrnes, 2107 Carr street; did you make inquiry for him?—A. Yes, sir.
- Q. And, if so, what did you learn?—A. Moved eight months ago.
- Q. Of whom did you learn that?—A. Mrs. Tracy.
- Q. Where does she live?—A. At that number.
- Q. She had known him, had she?—A. Yes, sir.
- Q. What did you learn concerning Michael Hickey, Twenty-second and Biddle?—A. He is not known around there, and doesn't live there.
- Q. Did you make inquiries in the neighborhood there?—A. Yes, sir.
- Q. What did you learn with reference to A. Hildebrandt, 2207 Biddle-street?—A. He moved seven months ago.
- Q. From whom did you learn that?—A. From Mrs. Suetors.
- Q. Where does she live?—A. She lives at that number.
- Q. What information did you gather in regard to John Fitzgerald, Biddle?—A. Moved before the election.
- Q. Who told you that?—A. Mrs. Delaney.
- Q. Where does she live?—A. At that same number.
- Q. Jerry Beuel, 2335 Carr street; did you make inquiry for that man; and, if so, what did you find out?—A. He is not at that number; can't be found.
- Q. Did you make inquiries around there for him?—A. Yes, sir.
- Q. What did you learn about John Gibblin, 2315 Division street?—A. Moved the 25th of October.
- Q. Of whom did you learn that?—A. From Mrs. Malone.
- Q. Where does she live?—A. At this number.
- Q. What did you learn of James Carroll, jr., 1324 North Thirteenth?—A. Removed during the summer.
- Q. Of whom did you learn that?—A. From Mrs. Carroll.
- Q. Where did you find her, at that number?—A. At that number.
- Q. She told you that James Carroll, jr., had moved during the summer?—A. Yes, sir.
- Q. What information did you gather concerning a man named Michael Kenny, 1326 North Thirteenth?—A. Don't live there.
- Q. Was he known there?—A. No, sir; I inquired all around the neighborhood.
- Q. Did you inquire in that number?—A. Yes, sir.

Q. What did you learn in regard to John Lawless, 1328 North Twelfth street?—A. Lived before the election at 1418 North Fourteenth street.

Q. You don't know, of course, whether that John Lawless that you found living at 1418 North Eighteenth street registered on election day as from 1328 North Twelfth street?—A. No, sir; I don't know. They said he lived up there before the election day, at 1418 North Fourteenth street.

71 Q. That is, you found a John Lawless at 1418 North Fourteenth street?—A. No, sir; but they told me so there.

Q. But you couldn't find that any John Lawless lived there at 1418 North Fourteenth street?—A. Yes, sir; but he had moved away before election day.

Q. What did you learn in reference to James Morancy, 1323 North Eleventh street?—A. He is not known.

Q. Did you make inquiries around there?—A. Yes, sir.

Q. And couldn't learn anything about him?—A. No, sir.

Q. What did you learn about Matthew Nolan, 1330 North Fourteenth?—A. He didn't live there.

72 Q. From whom did you learn that?—A. From Mrs. Dolan; she lives at that number.

Q. Did she know anything of this man at all?—A. No, sir.

Q. Did you make inquiries in the neighborhood?—A. Yes, sir; well, I didn't make any inquiries only at this number. She had been living there some time.

Q. What information did you gather concerning a man named James Moran, 1609 O'Fallon?—A. Moved the 17th of October.

Q. Who informed you of that fact?—A. Mrs. Sheehan.

Q. Where does she live?—A. She lives at that number.

Q. What did you learn about James Carroll, 1413 North Eighteenth street?—A. There is no James Carroll here at 1412 or 1413 North Eighteenth.

73 Q. No one knew that James Carroll at either of those places?—A. No, sir.

Q. You made inquiries at both numbers?—A. Yes, sir; hold on, let me see. Yes; there is a Jeremiah Carroll.

Q. Where does he live?—A. He lives at 1412.

Q. Jeremiah Carroll does?—A. Yes, sir.

Q. But did you find any James Carroll living at 1413 or 1412 North Eighteenth street?—A. No, sir.

Q. What did you learn in regard to Patrick Fitzmorris, 1418 North Eighteenth street?—A. Moved two years ago. I learned that from Mrs. Boyle. She lives at this number.

Q. What did you learn about Jerry Savage, Eighteenth and O'Fallon?—A. He never lived there; a lady at that number gave me

74 the information; she wouldn't give me her name.

Q. She stated this party never lived there; she had been living there for some time, had she?—A. She had been living there some time, she said; but she wouldn't give me her name at all.

Q. What did you learn in regard to John Scanlon, 1425 North Eighteenth?—A. He didn't live there, and not known.

Q. Did you make inquiries around the neighborhood?—A. Yes, sir.

Q. What did you learn in reference to G. E. Walsh, 1328 North Eighteenth street?—A. Doesn't live there.

Q. Was he known there?—A. No; nobody knew him there; I made inquiries at that number.

75 Q. Did you make any inquiries in the neighborhood?—A.

Yes, sir.

Q. But you couldn't find anything about the party?—A. No, sir.

Q. What information did you gather concerning Patrick Boyle, 1418 North Eighteenth street?—A. He did not live there; he did not vote; that is the way my card reads.

Q. He stated to you that he did not vote?—A. He did not vote.

Q. On last November election day?—A. He is a blind man.

Q. What did you learn in reference to Patrick Reardon, 1420 North Eighteenth?—A. He lived on election day at 1814 O'Fallon street.

Q. You learned that no Patrick Reardon had lived at 1420 North Eighteenth street?—A. No.

Q. Of whom did you gain that information?—A. From Mrs. Boyle.

76 Q. Where does she live?—A. She lives at that number.

Q. What information did you gather concerning a man by the name of Patrick Leeky, 1420 North Eighteenth?—A. Leeky lived at 1414 North Eighteenth; not known at that number.

Q. Patrick Leeky, or Timothy Leeky?—A. It don't say; it says Leeky lived at 1414 North Eighteenth street; he is not known at this number.

Q. At 1420?—A. Yes, sir.

Q. You didn't learn whether it was Patrick Leeky or Timothy Leeky?—A. No, sir; I didn't learn that.

Q. You learned that a Mr. Leeky lived at 1414?—A. Yes, sir.

Q. What did you learn in regard to John Milligan, 1338 North Eighteenth street?—A. There is no such number. This place is a vacant lot.

Q. You went there, did you, and looked the matter up yourself?—A. Yes, sir.

Q. Did you learn whether or not John Milligan had ever lived at 1328 North Eighteenth street? Look at your card and see.—A. No, sir; I didn't learn that; I didn't inquire.

Q. What did you learn about John Carroll, rear of west side of Mullanphy row, between Nineteenth and Twentieth streets?—A. John Carroll is living at 2109 Division street. That is the only place where I could find a John Carroll.

Q. Then you found a John Carroll living at 2109 Division street?—A. Yes, sir.

Q. And could you learn of any John Carroll who lived in the rear, on the west side of the Mullanphy row, between Nineteenth and Twentieth streets?—A. No, sir; I couldn't find any such man.

78 Q. What, if anything, did you learn about James Dillon, 1420 North Twenty-third street?—A. He moved October, 1880; don't know where he went to. I couldn't find out the lady's name. She wouldn't give her name.

Q. What, if anything, did you gather concerning the whereabouts of Peter White, who is said to live at 1311 North Twenty-third?—A. There is no such number.

Q. You went there and examined, did you?—A. Yes, sir.

Q. What did you learn about Richard F. Norris, 1442 North Twenty-second?—A. He moved about a year ago.

Q. Of whom did you obtain that information?—A. From Mrs. Costello.

Q. Where did she live?—A. She lives at that number.

79 Q. Did you gather any information concerning Dennis Stan-

ton, west side of Twenty-second, between Cass avenue and O'Fallon?—A. Yes, sir; moved two years ago.

Q. From whom did you learn that?—A. Mrs. Brodie.

Q. Where does she live?—A. She lives at this number.

Q. What information did you learn concerning A. L. McAllister.
2119 O'Fallon?—A. Moved about the 10th of October.

Q. He had lived at that number?—A. Yes, sir.

Q. And moved about the 10th of October?—A. Yes, sir.

Q. What year?—A. 1880.

Q. Of whom did you obtain that information?—A. From Mrs. Ryan.

Q. Where does she live?—A. She lives at that number.

80 Q. What did you learn about John Gavin, Dickson street, between Twenty-first and Twenty-second?—A. I don't believe I have got that.

Q. I will withdraw that question then. What did you learn about C. R. McBride, 1323 North Twenty-first street?—A. Moved before the election.

Q. From whom did you learn that?—A. Mrs. Kelly.

Q. Where does she live?—A. She lives at 1323 North Second.

Q. North Second?—A. Yes, sir.

Q. Does she live at the number where you made the inquiry?—A. Yes, sir.

Q. Where did you make the inquiry?—A. 1323 North Second.

Q. Look at the other side and see where the card is made to?

81 —A. That is where it is made to.

Q. It is 1323 North Twenty-first street, isn't it?—A. Yes, sir; that is what it is. That is a fact; she lives there.

Q. And that is where you made the inquiry?—A. Yes, sir.

Q. What did you learn concerning James J. Galvin, 2201 O'Fallon street?—A. He is not known around there.

Q. Did you make inquiries around the neighborhood?—A. Yes, sir.

Q. What information did you gather concerning P. Ryan, 2520 Cass avenue?—A. Moved in September.

Q. Of whom did you obtain the information?—A. The lady that lived next door to that number; I couldn't get her name. She wouldn't give it.

82 Q. What did you learn of Michael F. Lyons, east side of Twenty-fifth, between Dickson and Cass avenue?—A. Moved in September or October.

Q. From whom did you obtain the information?—A. Mrs. Graham. She lives at this number; she lives right there about the middle of the block.

Q. Did you learn anything concerning John Maloney, corner of east Twenty-eighth and Dickson streets?—A. Couldn't find him out at all. Nobody knows him.

Q. Did you make inquiries all around the neighborhood?—A. Yes, sir.

Q. How many inquiries did you make for him?—A. I made inquiries at a little grocery store there on the corner. I made inquiries at
83 two or three houses in the neighborhood; nobody knew him.

Q. What did you learn in reference to Matthew Dee, Twenty-sixth street, between Cass avenue and Dickson?—A. Left two years ago.

Q. Who told you that?—A. The grocer.

Q. You learned that at the grocery there?—A. Yes, sir.

Q. Did you inquire along the block there for him?—A. I inquired in

middle of the block. I went to a house, and they told me to go to grocery store, I could find out there—so I went to the grocery store.

Q. And they told you there that he had left two years ago?—A. Yes, sir.

Q. What did you learn about Michael Reardon, south side of Cass avenue, between Twenty-seventh and Twenty-eighth, and east of Jefferson avenue?—A. There is no such number; I couldn't find him.

Q. Did you inquire in the neighborhood?—A. Couldn't find him and there at all; nobody knows him.

Q. What do you know in regard to John Walsh, Dickson, between 27th and 28th?—A. I couldn't find him.

Q. State whether or not you inquired in the neighborhood.—A. I inquired in the neighborhood, and all around there, and nobody knew him.

Q. What did you learn in regard to Richard Doe?—A. East 28th and Cass avenue, middle of the block; is not known there.

Q. Couldn't find out anything about him?—A. No, sir.

Q. John Beahan, Dickson, between 27th and 28th?—A. He was not known.

Q. Did you make inquiries around the neighborhood?—A. Yes, sir.

Q. Did any one of them know him?—A. Nobody ever knew him.

Q. What did you learn in reference to E. Fitzgerald, southwest corner of 28th and Dickson?—A. He was not to be found; nobody knows him.

Q. Michael O'Hearn, southwest corner of 25th and Dickson street; did you inquire for him; if so, what did you learn concerning him?—A. I inquired for him. He was not known there around the neighborhood; I couldn't find him.

Q. State whether or not you made inquiry around the neighborhood.

A. I made inquiries around the neighborhood, but I couldn't find him.

Q. What, if anything, did you learn in reference to Michael Pendergast, 1710 Mullanphy street; have you the card?—A. Yes, sir; I have got a card; he don't live there; Rudolph Shelley, says he lived at 1701 Mullanphy street; he is not living there now for seven months.

Q. 1701 Mullanphy is very near 1710 Mullanphy?—A. Yes, sir; I believe it is; it is on the opposite side of the street.

Q. Did this man pretend to be acquainted in the neighborhood?—A. He owns the grocery there.

Q. What did you learn, if anything, about John Byrne, 1526 North 1st?—A. He don't live there.

Q. Of whom did you obtain the information?—A. I inquired all around there; nobody would give their names; so many have been and there before that nobody in that neighborhood would give me their names.

Q. What, if anything, did you learn about his ever having lived at that house?—A. They didn't know him at all; some of these people have been living there over a year, and some a couple of years. No one would tell me their names at all.

Q. What did you learn in reference to William P. Eads, 1527 North 1st street?—A. Don't live there.

Q. Was he known there at all?—A. Yes, sir; he was known there; had lived there.

Q. When did he live there; did you learn?—A. It was over a year ago; I didn't learn.

Q. From whom did you learn that?—A. From Mrs. Barrigan; she lives at that number.

Q. What, if anything, did you learn concerning a man named John Ready, 1705 Cass avenue?—A. There aint no such number.

87 Q. No such number as 1705 Cass avenue?—A. No, sir.

Cross-examination by counsel for the contestee, Mr. DONOVAN:

Q. Mr. Patterson, did you make an inquiry for any of those parties, or are you simply reading off the memoranda that was placed there on those cards by others?—A. No, sir; I made the inquiries myself, individually.

Q. Did you ever wear glasses?—A. Sometimes I do, and sometimes I don't.

Q. Have you got a set of glasses in your pocket now?—A. Yes, sir; but I can't see through them; I got mine broke last night.

Q. Well, you haven't got them with you?—A. I have got a pair with me that I got, but I can't see very well through them.

Q. Can't you read your own handwriting?—A. Yes, sir.

88 Q. Then what was the difficulty in your reading off this information from those cards?—A. I am not a very good speller; that is the difficulty with me.

Q. But then, if you made hieroglyphics on a card, you would know what it meant, wouldn't you?—A. I would know what it meant, certainly; yes, sir.

Q. What was your difficulty in reading off this information to us from the back of your cards?—A. I had to have them spelled for me as I was putting them down.

Q. If you can write I presume you can spell?—A. I can't spell very good; no.

Q. But you can spell enough to give us the information that
89 you have in writing on the back of the cards, can you not?—A.

Well, I am a very poor speller; I can't read very well at all; I can read my own writing, but I don't suppose anybody else can make it out.

Q. What was your difficulty in making out your own writing?—A. Because I can't spell as well as you can; I am a very poor speller; I can read a little better, but I can't spell very much.

Q. Why could you not obtain the names of the parties that gave you this information?—A. They wouldn't give me their names; there had been several parties around before I got there, and they would slam their doors in my face.

Q. Other parties gave the names of the parties that gave them
90 the information?—A. But because they slammed the doors in my face I couldn't get the names.

Q. And denied you information as well?—A. Yes, sir; certainly, some of them.

Q. And then you had to pick it up otherwise?—A. Yes, sir.

Q. And you picked it up the best way you knew how?—A. I got the best information I could.

Q. Why did they slam the door in your face?—A. They made the remark that that was the third or fourth time that we had been around there, and they wouldn't have no more bother. Some of them said there was a party around there yesterday, and they slammed the door in my face.

Q. Are you sure that that memoranda on the back of those
1 cards was written by yourself?—A. Yes, sir.

Q. And these are not cards that were handled by other
parties?—A. No, sir.

Q. They are not cards that have been previously reported upon and
not handed over to you to read from what other people wrote on the
back of them?—A. Whatever is on the back of them I put there my-
self.

Q. When you were crossing the room back here to pick up this
bundle of cards, why is it that you winked at your brother canvassers?
Were you about to perpetrate a good joke?

WITNESS. Who is that? Me? I don't understand who he is talk-
ing to. I didn't. I ask you if that is me?

A. Certainly I am addressing myself to you. You are the wit-
ness on the stand; and that is my business, to address you.

(Question read.)

A. I didn't wink at nobody to my knowledge; I didn't. I don't
think I could very well do it without my own knowledge.

Q. Was it because you were going to perpetrate a good joke that the
chance were to enjoy?—A. No, sir; not that I know of.

Q. How many days were you employed in making this canvass?—A.
seven days.

Q. When did you start out in the morning?—A. About quarter past
even.

Q. In the morning?—A. That is to the best of my knowledge. Yes,
r.

Q. Why did you select such an aristocratic hour as quarter
past eleven in the morning to start out for a hard day's work?—

A. Well, because they were not ready for me.

Q. What time did you wind up in the evening?—A. Sometimes we
wound up about five, sometimes quarter to five, sometimes half past
four.

Q. How many cards were handed to you?—A. Well, I couldn't tell
you. I never kept track of them.

Q. Do you know how many hundred?—A. I couldn't say.

Q. You found a great many O. K.'s?—A. Yes, sir; I found a good
many O. K., and O. K.'d a great many myself.

Q. That had been testified to as being correct by your brother can-
vassers when they were on the stand?—A. I don't understand
that at all. We went to a house, we found the parties were liv-
ing there, and O. K.'d the cards.

Q. Although people who came on the stand before you testified in
regard to those names that the people never had lived there?—A. I
never knew anything about that at all.

Q. Well, you started at quarter past eleven o'clock and ended up at
half past four or five, and I suppose took about an hour for dinner?—A.
Something around that I suppose; yes, sir.

Q. Then you spent about 3 or 4 hours a day on this? Please tell me
now, how many houses you visited?—A. Well, I couldn't tell you. I
now we spent about six or seven hours a day at good hard work.

Q. You had cards scattered all through the city, hadn't you?

—A. Yes, sir; sometimes. Sometimes we had them right in the
Fourth ward, right close to the house, where it didn't take us
more than ten minutes to each row generally.

Q. It was convenient in obtaining this information to take a brother

canvasser and learn what information he had got, and put it on the back of your card, because it would save you the trip?—A. I didn't do that. I wouldn't swear at random; if I didn't know what I was swearing to, I wouldn't swear at all. I am swearing to what I got from these parties at the house.

Q. Didn't you compare your cards with the cards of your brother canvassers, and solicit information from them?—A. No, sir; I did not.

I went to each and every house.

96 Q. You didn't solicit any information from these men that were engaged in this same business that you were engaged in?—A. I may have asked them what he got there; if he had been there.

Q. Wouldn't it save you a great deal of trouble and time to write on the back of your card this original information without making the inquiries at all?—A. Yes, sir; it would save me some time, but I would be swearing wrong on this stand. It is of no interest to me how this thing will turn out, but I swear to what I know; I wouldn't swear to a lie for anybody; either for Mr. Sessinghaus, or for Mr. Frost, or for anybody else.

Q. I suppose you are a first-class Democrat?—A. I am.

Q. And that is the reason that you are on the stand here giving this information, in order to assist your Democratic Congressman to retain his seat?—A. I don't know about that; I am a man that has to work for his living, and it makes no matter to me what I do, so long as it is honest work and I get paid for it; that's the way it is with me.

Q. The longest purse brings you down?—A. The heaviest brings me down, certainly.

Q. Well, you can't tell me how many cards you had altogether?—A. No, sir.

Q. Was it a thousand?—A. Well, I couldn't say; it may have been; I don't know.

Q. And you have testified to about a hundred?—A. I think I have.

98 Q. Or less?—A. Or less; yes, sir; to the best of my knowledge.

Q. You have visited these places, you state, and you state that you inquired for a man on Second street who lived on Twenty-first street?—A. Oh, well now, I looked at my memorandum, and I found out then that I had not read him off right.

Q. But you were quite positive that you inquired for him on Second street?—A. I was nothing of the kind; I hadn't read my memorandums carefully; I hadn't read off the information I had on my card; I had some in the Twelfth ward and some in the Fourth ward; I go by my memorandums on the card.

Q. Well, what was your report in regard to C. R. McBride.
99 1323 North Twenty-first street?—A. I will tell you if I find it (looking for card).

Q. Well, you can't turn your hand to that now, can you?—A. Not very well, unless I find the card.

Q. Well, how long will it take you to find it?—A. I can run them over, you know.

Q. Well, if it takes you a half an hour to find that I will pass it for another question.

Mr. POLLARD. I object to any such injections into this record as the statement made by the gentleman. He has not given this witness more than half a minute, nor a quarter of a minute to look for his card.

Mr. DONOVAN. Very well, the gentleman then can go on and find the card. I can stay here as long as Mr. Pollard.

WITNESS (after looking for the card and finding the same).

00 Moved before election.

Q. Where did he move to?—A. I don't know.

Q. Did you find him at 1323 North Twenty-first, or 1223 North Twenty-first street?—A. I didn't find him at all.

Q. But you say you found he had moved, where from?—A. I found he moved from 1323 North Twenty-first street.

Q. Now, as a matter of fact had that man ever lived at 1323 North Twenty-first street?—A. I don't know; Mrs. Kelly says he did.

Q. Now, then, were you not at 1223 North Twenty-first street?—A. No, sir; I was at 1323 North Twenty-first street.

Q. Well, then, how did you come to state to Mr. Metcalfe that you made inquiry at 1223 North Second street for that man?—A. I made a mistake in looking at the card; I go by my memorandum;
01 I don't go by the numbers at all; I only swear to what I have put down.

Q. If that was your memorandum you read it off Second street?—A. I did.

Q. And was your difficulty to read the writing of other people?

WITNESS. Which other people? There is no other writing of other people here at all. It was a mistake in the number here on the front of the card that I made a mistake in.

Q. Do you know how long John Bannahan had lived at 1337 North Eighth street?—A. I don't know how long he had lived there.

Q. Was he not living there for seven years?—A. Not to my knowledge. The people around there said he had moved before the election; that is all I know about it.

02 Q. Did you have the name on your card as John Bashan or John Bannahan?—A. John Bannahan.

Q. Where did you inquire, where you said, for Jeremiah O'Toole, 815 O'Fallon street?—A. I didn't ask them for Jeremiah O'Toole; I asked for Jerry O'Toole at 815 O'Fallon.

Q. Did you find any remarkable difficulty in the name of Mr. O'Toole between Jeremiah and Jerry?—A. I know the gentleman myself, and I never heard him called that.

Q. Where did you inquire for him?—A. At the number where he lived; the number where he lived in.

Q. Well, did you find him? I presume that you fix the date at which he moved from that room?

WITNESS. He moved about the 10th of October.

103 Q. So I supposed. How did you fix that date?—A. From the people in that house there.

Q. What were their names?—A. They wouldn't tell their names.

Q. If they wouldn't tell their names, how does it come that they gave you information in regard to Mr. Jerry O'Toole?—A. Well, I will swear to this myself.

Q. Well, I certainly supposed you were doing that all along. Well, you did not have occasion to inquire there yourself?—A. Yes, sir; I did, but I know that anyhow.

Q. And they shut the door in your face and wouldn't tell their names, and you don't know their names, but they chatted with you very pleasantly on all other subjects?—A. Yes, sir; I know the man; he
104 got married and moved from there before the tenth of October.

Q. Then you didn't have any occasion to visit that place?—A. No, but I did visit it, anyhow.

Q. Did you go upstairs yourself?—A. I went upstairs myself and got my information right upstairs there over the dressmaker shop on the corner of the alley—northwest corner of the alley.

Q. And you don't know the names of the people that own the house?—A. No, sir; I don't know the names of the people that own the house.

Q. But notwithstanding, they chatted with you and informed you that precisely on the 10th day of October, in the year of our Lord 1880, Mr. Jerry O'Poole left those premises?—A. Yes, sir.

Q. It was not the 11th day of October that he left?—A. No, sir; 10th of October.

105 Q. It was not the 10th of November that he left?—A. No, sir; it was the 10th of October.

Q. Now, wasn't he living at that number up to the 1st day of January, 1881, and hasn't he moved since that time?—A. He was not living there at that time.

Q. Do you not think that the people that spoke to you lied when they told you the date was the 10th of October?—A. I don't think they did; I lived in that alley myself.

Q. Well, because you lived in the alley is no reason why people who live in the same alley wouldn't be less authentic in the information that they gave you, is it?—A. No, sir.

Q. Or does your presence in the alley purify the neighborhood?—A. No, sir; but the neighbors told me—those that lived in the house—that he had lived there for awhile with his mother, and after he got married he lived there, but moved with his wife to go housekeeping on the 10th of October.

Q. Do you know when he was married?—A. No; I couldn't tell you. He was married about a year and a half. I know when he got married.

Q. Then he moved away soon after he was married; he moved over a year ago?—A. No, sir; he moved the 10th of October.

Q. But as soon as he got married he picked up and moved; therefore he must have moved away from there before the 10th of October?

—A. He lived there for some time after he was married. He 107 lived there; his wife lived at her mother's house.

Q. Now, what information did you get in regard to John Delaney, 1321 North Eighth street? Did you not find that he was not living there since the 7th of October, 1880, but that he lived on the same street, one block south?—A. He didn't live at this number.

Q. But where did he live?—A. It don't say; I couldn't find out where he had moved.

Q. Why didn't you inquire?—A. I did inquire; they didn't know him.

Q. Well, he didn't live there when you came there, but when had he lived there?—A. They didn't know him.

Q. Did you inquire one block south?—A. No, sir; I inquired right at that number.

Q. Did you not find that he moved into that house on the 7th 108 of October, 1880?—A. No, sir.

Q. What was the name of the party you saw there that gave you this information?—A. I lived right at that number myself. I lived in the rear in that yard.

Q. Don't you know John Delaney?—A. No, sir; and I have been living there nine months.

Q. Now, you have been living in the alley before?—A. I said I lived in the rear.

Q. Of 815 O'Fallon?—A. I didn't say that.

Q. And now you jump up to 1321 North Eighth?—A. I didn't say that.

Q. How many residences have you in the city of Saint Louis?—A. I didn't say anything of the kind, sir; I said I lived on the same alley where Jerry O'Toole lived, and he lived on the corner of the alley and I lived in the rear of 1321 North Eighth. It is a very short distance from his house to where I lived.

Q. Now you know John Delaney first class?—A. I don't. I don't know the man at all. Never saw the man.

Q. What is his business?—A. I don't know him at all.

Q. Is he a married man?—A. I don't know him at all. I couldn't tell you. No such man lived in that yard in nine months.

Q. Who told you that?—A. Well, I inquired there from the landlady.

Q. That is another case where you didn't have any need to go to the place, because you knew all about it yourself?—A. I know all about it. I just inquired though. I didn't want to be a witness here to anything except what I have on my cards.

10 Q. And although you know that perfectly well, and notwithstanding that fact you went there and inquired in your own yard in regard to a man that you knew did not live there?—A. Yes, sir; that is the way it was.

Q. And you have been living there for nine months, and know everybody, and yet, notwithstanding, you inquired of other people who lived in the house with you?—A. I don't know whether they did or not.

Q. I would presume they did?—A. Because there is a lot of Jews here. I don't know their names at all, but I know their name was not Delaney.

Q. Can't a Jew be named Delaney?—A. Not very well.

Q. If a negro is named Jerry Clarke, don't you think that a Jew could be called Delaney?—A. I asked the landlady. I couldn't swear to what a Jew's name is. They would call themselves anything for a dollar.

Q. That is your opinion of a reputable class of our citizens?—A. Yes, sir.

Q. All the virtue, I presume, that is in this town is in the alley where you live. Now, who were you speaking to when you went to inquire for Michael Green, 1414½ North 8th street?—A. I was talking to Mrs. Darmody.

Q. Mrs. what?—A. Mrs. Darmody.

Q. Where did she live?—A. She lives at that number.

Q. Did you find out anything about Mr. Green?—A. I found out that he moved before election. That is all I could find out about him.

12 Q. Mrs. Darmody kept a diary as to when her neighbors moved, I presume?—A. Well, I couldn't tell that.

Q. Well, she knew it was before the election?—A. Yes, sir; she knew it was before November.

Q. Did she state just what date?—A. She didn't state what date. I asked her was it before the election.

Q. Did she tell you what date in November?—A. She didn't.

Q. Did she say how many months ago?—A. She did not.

Q. She just said it was before the election ?—A. She just said it was before the election—the Presidential election.

Q. Mrs. Darmody, I presume, takes a great interest in politics ?—A. I couldn't tell you.

113 Q. She knows when our elections are held ?—A. They all do. Most of our people up that way do.

Q. The women are politicians up there in your neighborhood of course ?—A. Yes, sir.

Q. Now, I suppose you have got John T. Arthur, 823 Carr, moved before the election ; haven't you ?—A. Yes, sir. I don't know whether I have got him moved—yes ; moved before the election.

Q. Who told you that ?—A. Mrs. Shields.

Q. Had he ever lived there ?—A. Well, he certainly moved from there ; he must have lived there. He couldn't have moved before the election.

Q. What time in December did he move away ?—A. It don't say. He moved before the election, that is all it says here.

114 Q. Mrs. Shields, I presume, was politician enough also to know when election was, or did you have the kindness to inform her ?—A. I asked her when he removed and she said he was moved before the election ; she says not before this last election or something like that.

Q. That is all the conversation that you had with the lady ?—A. Yes, sir.

Q. When you asked her when this gentleman moved she simply said he moved before the election ?—A. Before the Presidential election. I informed her what election I meant, so as to get a definite answer from her.

Q. There was no necessity of stating when the election was held ?—A. No, sir ; she said the Presidential election.

115 Q. Do you know, yourself, what was the date of the Presidential election ?—A. Well, I don't know.

Q. But what day. Now, please place it ; in what month was it ?—A. I think it was in November, wasn't it ?

Q. On what day ?—A. The second of November, wasn't it ?

Q. You are positive in regard to that ?—A. Well, I have been a voter long enough.

Q. Where did you inquire for Michael Lee, at 1221 North Seventh ?

—A. I inquired at that number.

Q. Who did you see there ?—A. I seen an old lady there ; I didn't get her name though.

Q. Why wouldn't she give you her name ?—A. She was sort of superstitious, you know. She is an old Irish lady, and she didn't care

116 about giving her name to things she didn't know anything about.

Q. Wasn't it just as proper for her to give you her name as to give you information that you were seeking ?—A. I thought so, but she didn't think so.

Q. What do you know about that ?—A. She told me he had moved in September.

Q. She told you that and you went away ?—A. Yes, sir.

Q. And you regarded that old lady's statement as all the information that you wanted on the subject ?—A. Yes, sir.

Q. And you inquired no further ?—A. No ; I didn't inquire any further on that name.

Q. Why didn't you go in the rear of those premises where this
117 man has been living for five or six years and is living now, and

inquire there, when there has been sworn testimony here elicited from the canvasser for the contestee, who was placed on the witness stand, that he found this man there, not only living there now but that he had been living there for six or seven years?—A. They told me that his man don't live there; that he moved in September.

Q. Don't you know that he never lived in the front of that house at all?—A. But this lady could tell me who lived there.

Q. Why didn't you go back when it was in the back that the contestee's canvasser found him?—A. Because the ticket didn't call for him there.

Q. Oh, that is the way of it. Your orders were not to inquire for him anywhere else?—A. My orders was only to inquire where he was said to live, as it was written on my card.

Q. So then you went to the front of the house?—A. I went and asked if they knew any such person, and they didn't know him.

Q. And that information is just about as accurate as any information that you got?—A. I don't know. I have been in the rear of many places.

Q. But since the contestee's witness swore that he lived right there and in the rear and had been living there for five or six years, why didn't you go there and see whether that gentleman's report was correct or incorrect?—A. I never had any report from any other gentleman at all. I never knew nothing about the reports that have been made before I started to canvass at all.

Q. Well, if you have moved Robert W. Higgins and Martin Higgins from 1227 and 1229 North Twelfth street; if you have done so, when was it done?

Mr. POLLARD. I object to that question, because there is no testimony that this witness has moved anybody.

A. Moved a year ago.

By Mr. DONOVAN:

Q. Or moved the first of the year, which?—A. Moved one year ago.

Q. Who gave that information?—A. Mrs. Burnside, the landlady of the house.

Q. Just exactly one year ago, was it?—A. One year ago, she said, or over.

Q. You are sure she didn't say he moved about the first of January of this present year?—A. She didn't say anything of the kind. I asked her when he moved; she told me that he was moved over a year ago. That is what she said; and I put down one year ago.

Q. The same is true for Martin Higgins, I presume?—A. I couldn't say at all until I look at it.

Q. Well, look at it.—A. Yes, not known at all.

Q. Although he is a member of the same family nobody knows anything about him?—A. She knows him, too; that's right. He has moved one year ago. The same witness.

Q. Now, when you went to inquire for Patrick Hammond did you go to 713 Biddle, 813 Biddle, or 913 Biddle? The contestee's witness placed the gentleman at 813 Biddle, and it was your duty to have gone there?—A. I went and inquired at 713 Biddle street.

Q. And of course you didn't find him?—A. And of course I did not find him; never lived there.

Q. No; he never did live there. Do you know what sense there was in inquiring at a place where a man never did live after having the in-

formation sworn to here that the party was at 813 Biddle street?—
I had nothing to do with that.

Q. And was not living at 913 or 713?—A. I had nothing to do with that at all. The card called for 713 Biddle street, and that is where I went and inquired.

Q. Now, did you inquire for James Duddy, 822 O'Fallon street, 122 or did you inquire for him at Seventh and O'Fallon just where he lived, and where the contestee's witnesses proved he lived?—A. I inquired for James Duddy at 822 O'Fallon street, up over the grocery store.

Q. What was the sense of going there when he lived on Seventh and O'Fallon?—A. I don't know whether he lived there or not—whether he lived on Seventh and O'Fallon or not.

Q. But if he did live on Seventh and O'Fallon, and the witness on the stand for the contestee swore that he lived there and not at 822 O'Fallon, why did you go to 822 O'Fallon to see if he lived there?—A. Because the card directed me there. He used to live there. I know the man personally.

123 Q. And moved to Seventh and O'Fallon?—A. I don't know anything of the kind.

Q. But you never inquired at Seventh and O'Fallon?—A. No, sir.

Q. Now, you found no Atwood at all at 1719 North Seventh street?—A. No, sir; I did not.

Q. Nobody knew anything about a man of that name?—A. Oh, yes; there was two or three different Atwood's, but no W. N. Atwood lived there.

Q. What were the initials of the others?—A. I have forgotten the names now; they told me, however, that this W. N. is not known there at all.

Q. Although there were three Atwood's there?—A. Two sons and the old man.

Q. And you do not know the initials of either of them?—A. I 124 do not; I think there was Charles, George, and Normand Atwood, but there was no W. N. Atwood there at all.

Q. Didn't you find a gentleman by the name of Alvers living there?—A. No, sir; I did not. I didn't inquire for that name.

Q. You can't swear whether a gentleman of that name did or did not live there?—A. I couldn't say.

Q. Now, when did you move Ben. Brady, 1112 North Eleventh street; was it October, November, December, or January?

Mr. POLLARD. I again object, because the witness did not testify, and it is not a fact that he ever moved him.

A. He moved in September.

By Mr. DONOVAN:

125 Q. Who gave you that information?—A. Mrs. Broderick, living at that number, down-stairs.

Q. When did they move into that house?—A. I couldn't tell you when they moved into that house, they were living there before Broderick moved there.

Q. Mr. Brady was living upstairs was he?—A. Yes, sir.

Q. You saw Mrs. Broderick?—A. Mrs. Broderick and Mr. Broderick, also.

Q. Did you catch the sound right—September or December?—A. September it was.

Q. Didn't they inform you in December?—A. No, sir; they informed me in September.

Q. Did they spell out the month for you?—A. No, sir.

Q. You spelled it out yourself?—A. They pronounced the word
26 for me and I understood what they said.

Q. Well, I suppose Mr. John Wirthlin also left before the election, living at 1003 Biddle?—A. Yes, sir; that is right; John Wirthlin, 1003 Biddle. That is a boarding-house. Left before election.

Q. Have you got it on your card O'Fallon or Biddle?—A. Biddle.

Q. Now, about how long before the election did he move?—A. It don't say here at all.

Q. Was it a day, or a month, or a year?—A. It don't say here. Just left before the election.

Q. Why can't you make it the day after the election, as well as the day before?—A. Well, I don't make it enter a day before, or a day after. It just says here left before the election.

Q. Who told you that?—A. It was Mrs. ——— (Pause.)

127 Q. Mrs. who, can't you spell it out?—A. It looks like O'Help.

Q. Is it Mrs. O'Heller, or Mrs. O'Helps?—A. Mrs. Heltps.

Q. How do you spell it?—A. I don't know; it looks like Hoeutps.

Q. I suppose that Mrs. O'Hoeulpts, that lady there, was very well posted in regard to the times at which elections were held?—A. I couldn't tell you that.

Q. So she just told you that they left before election?—A. Yes, sir.

Q. She is another of the ladies of the third Congressional district who are well posted in politics?—A. I don't know this lady that gave me the information.

Q. You just asked her when he came there, and when he
128 moved?—A. If he moved before the election; that is a board-house.

Q. Is that all the conversation that you had with her?—A. Yes, sir; that is all the conversation I had with her.

Q. So you generally got the information as soon as you asked when the person moved?—A. Sometimes I had to take ten (10) minutes; sometimes it was a "go off."

Q. Well, it was then generally before the election, and that was suggested by you?—A. It is a general thing up there that they wouldn't give me any information at all.

Q. How is it that you have a bagful of it here?—A. I had to talk around there until I got their name, and when I got their name
129 I said I would take them down if they didn't give me the information.

Q. And they did to get rid of you the best way they could?—A. They had no bother to get rid of me at all.

Q. Well, do I understand you to say that Thomas Gallagher, who resided at 1309 North Seventh street, is not known there?—A. No, sir; I said they know of him.

Q. Did you inquire there?—A. I inquired from Mrs. Vorcey.

Q. Now, why didn't you seek out Miss Gallagher while you were there?—A. Because she didn't live there; they didn't know of anybody of that name living in that house.

Q. Did you go in the rear of those premises?—A. No, sir.

130 Q. Why didn't you go in the rear there, where the witness for the contestee swore that he lived, in the rear of 1309 North Seventh, and was there now, and had been living there for years; you are here to rebut something I presume; now, why didn't you go to see

whether the information was accurate?—A. I don't know anything about that information at all.

Q. Since you go to inquire for people, why don't you go and inquire for them where they are located?—A. The people in front had been living there for years, and they would know the people that was living in the back.

Q. Was the door slammed in your face there?—A. No, sir; it was not.

Q. What sort of a house is that?—A. Well, it is about the fourth house from O'Fallon street; fifth house; it stands out a little bit.

Q. Did you go up the alley to inquire, and go in it?—A. No, sir; I went in front only.

Q. Oh, you went into the house where he wasn't at all; did you go to the alley; did you go in the rear of the alley?—A. I did not; I went right to this number.

Q. As soon as you found somebody who told you that Thomas Gallagher didn't live there you put it on your card and walked away?—A. Certainly; he didn't live there at all; didn't know him.

Q. Did you inquire for John McShea at the boarding-house at 923 Carr street, of Mrs. Rudolph?

WITNESS. 923 Carr, did you say?

COUNSEL. Yes, sir.

A. No, sir.

Q. Why didn't you go there?—A. John McShea is between Ninth and Tenth; there is no such number on the ticket here at all; it is between Ninth and Tenth. What did you say, McShea or McShane?

COUNSEL. McShea.

A. I didn't inquire for no such number; I inquired all over the block, though.

Q. Now you went to 926 Carr, and you inquired for James Donnelly, did you?—A. Yes, sir.

Q. What is your report on it?—A. There is no such number.

Q. What is that building?—A. Well, that is a sort of a medical college; it used to be a college.

Q. It is a medical college?—A. Yes, sir; it used to be a school.

Q. Now, would it have cost a surplus amount of energy to have gone into the college there and inquired for the janitor, whose name is James Donnelly, and ascertain and ask him whether he lived there or not?—A. Well, there is no such number.

Q. Isn't the dental college there?—A. That is not the number of the dental college.

Q. It is right on the ground there, is it not?—A. The number should be on the other side of the street, shouldn't it?

Q. No, sir. Isn't James Donnelly janitor of the dental school?—A. I don't know anything about it.

Q. Why didn't you take the trouble to find out?—A. I looked for the number, and there is no such number there.

Q. It is on the south side of the street, is it?—A. Yes, sir.

Q. And 926 is on the south side of the street?—A. Yes, sir.

Q. And the dental college is on the south side of the street?—A. There is no such number on the house.

Q. And that saved you some trouble. As soon as you found out there was no number on the house you ran by the house?—A. It gave

me a little bit more trouble to walk up and down the street to find the number.

Q. You didn't go into the house at all?—A. No, sir.

Q. That is the way you did your work, I suppose?—A. I generally found out the number when there was a number to be found.

135 Q. I presume that Mrs. Moran was correct when she informed you that John Woods did not live at 1323 North Ninth street, but inasmuch as John Woods is living in the rear of 1211 North Ninth street, I will ask you why you did not go to the place there? Examine your cards hastily.—A. I have got to look at them. I am not swearing at random at all. I am going to take my time and find what I did learn there. You can't hurry me at all. John Woods, 1323 North Ninth.

Q. Now, why didn't you go to 1211 North Ninth street, where the man has been living over twenty years, and ascertain whether the report of the contestee's canvasser was correct or not?—A. I didn't propose to go to 1211; I went to 1323.

Q. Weren't you brought on this stand to rebut the testimony
136 elicited on the part of the contestee?—A. I was brought here to swear where these people live.

Q. But this man had not lived at 1343, still you went there when the man was living at 1211?—A. That has got nothing to do with me. I don't know nothing about your reports what you are proving. I was not brought here for you to prove anything. I am swearing to what I know—what information I got.

Q. Now, where did you inquire for James Hoolahan?—A. I inquired at 901 Biddle street.

Q. Well, did you succeed in moving him away before the election?—
A. I didn't move away anybody at all, but I found out whether he had moved or not.

37 Q. Who gave you the information?—A. Mr. Reardon, who owns the grocery store there.

Q. How far from there?—A. He owns the grocery store right on the corner. This number.

Q. And he moved him away before the election?—A. He didn't move him before the election, I don't suppose; he said he moved before the election.

Q. Did you see Mr. Knacke when you went up there?—A. I didn't see him.

Q. You don't know anything except what appears to be on your card?
—A. I didn't inquire at all for nobody else except what I find on my card.

Q. You don't know anything except what is on your card?—A. No, sir.

138 Q. And you don't know that very well?—A. Oh! yes; I do.

Q. Who did you see when you went to the house of Mr. Reilly, 1227 North Ninth street?—A. Mrs. Dormody.

Q. What did she tell you?—A. She told me he didn't live there.

Q. What sort of a house was that?—A. It was a brick house, between Cass avenue and O'Fallon.

Q. Why didn't you go upstairs?—A. Well, I asked if there was anybody of such a name living up there, and she said no.

Q. When a witness for the contestee swore that John Reilly lived at 1224 North Ninth street upstairs, why didn't you inquire upstairs instead of down-stairs for him?—A. I don't know anything about

139 the witness for the contestee swearing to anything at all. I never heard no witness at all swear here.

Q. Do you know how long Martin Kelleher, 1126 North Second street, lived there ?—A. Well, I couldn't tell you how long he lived there.

Q. What did you learn about him ?—A. He didn't live there at all.

Q. He was not known ?—A. Oh, he was known there ; yes, sir.

Q. What did you learn about him ?—A. He moved about two years ago.

Q. Or the middle of last February, which ?—A. Two years ago.

Q. Moved to where ?—A. Don't say.

Q. Right on the corner of Collins and Biddle ?—A. No, sir ; it is not on the corner.

140 Q. I ask you where did he move to ?—A. It don't say. I don't know where he moved to.

Q. Did you ascertain that he had lived in that house fourteen years ?—A. He had lived there a long while to my knowledge. I know the gentleman.

Q. And moved last February to Collins and Biddle street ?—A. Moved two years ago I said.

Q. Now, what confidence have you in that report ?—A. Every confidence in the world. I know that man. He is the man who killed his step-son. I don't think he has lived there for the last two years.

Q. The man who killed his step-son lived just west of the west wall of the Visitation Convent in a little house that stands upon a
141 bank ?—A. This man's step-son was Dave Buckley, and worked for him three weeks before he got killed.

Q. And for that reason he moved two years ago ?—A. I don't know for what reason he moved.

Q. What confidence have you in the report made to you that that man moved two years ago, when the fact is that the man lived there and did not move until this February ?—A. The lady said that the man moved two years ago—the lady that is living at the house now—at the present time.

Q. Is she one that slammed the door in your face ?—A. No, sir.

Q. Did she shut the door in your face ?—A. No, sir ; she said, "I have given my name to two or three of the gentlemen and
142 and am not going to give it to any more."

Q. Did you get her name ?—A. I did not.

Q. Why is it that she would give you information in regard to the man that he moved two years ago and refused to give you her name ?—A. A great many of them were superstitious about it.

Q. She was mixing her information, wasn't she ; wasn't it for that reason she was withholding her name ?—A. I don't understand you.

Q. And she didn't care what she said, so as to get rid of you, and she would make you any kind of an answer ?—A. I don't know about that.

Q. She thought you were very impudent to ask her anything about that ?—A. She thought so when I came to her name.

143 Q. So you and she had a disagreement about that ?—A. No, we didn't have much of a disagreement about it. She wouldn't give me her name only just like that. There was no disagreement whatever.

Q. She told you that you were a nuisance there ?—A. She didn't tell me anything of the kind.

Q. Did she give you a reason why she wouldn't give you her name ?

—A. She said she had given her name to two or three or four different parties.

Q. Why is it that she would talk with you and give you information

regarding people, and when you get down to the point of asking her for her name she refused it?—A. She couldn't refuse to tell me whether anybody lived in the house with her or not.

Q. Was she in any way related to this gentleman?—A. No, sir; I don't think she was. I know the most of his relations.

Q. Why didn't you go to some of his relations and inquire whether he had been there or not?—A. There was no need of it.

Q. You just took this stranger's word?—A. I asked her how long she had been living in the house, and she said she knew this man Reilly; he said she had been living there nearly a year in the house.

Q. And, therefore, would be very well posted in the house regarding the movements of a man who had left the house, according to your statements, a year before she came there?—A. I don't know.

45 Q. How do you explain the disagreement, if, as you say, he moved out two years ago, when, in fact, he did not move out until last February, as has been asserted by the canvassers for the contestee?—A. I don't know anything about that.

Q. All your information is about on a par with that, is it not?—A. I don't know; this lady—she has been living there a year, and seemed to be very clear in her statements, and she said he hadn't lived there for two years.

Q. How does it come that she would know that he moved out two years ago, when she herself was there only a year?—A. I don't know anything about that.

46 Q. What did she know about it?—A. That is what she told me, and that is all.

Q. If she only lived there a year, how could she answer that this man had not lived there for two years?—A. I took her statement for what it is worth.

Q. You didn't find A. L. Tiernan, 201 Ashley street?—A. No, sir.

Q. Well, I suppose he was not living there at election times?—A. No, sir.

Q. Now, what is your information regarding Charles Morgan, 200 Ashley street?—A. I believe that card is out. I believe I said that card was correct.

Q. And that he lives there?—A. Yes, sir.

Q. Can you understand, then, why Mr. Krauss would come upon the stand and swear that the man never did live there, when you 17 found that he did live there?—A. I don't know anything about Mr. Krauss, or about anybody else.

Q. Which of you told the truth, Mr. Krauss or yourself; you say that the man lives there, Mr. Krauss swears that he does not live there, and he was a witness for the contestant the day before yesterday?—A. I don't know what anybody else says. I don't know him at all.

Q. Doesn't it show to you that there is no confidence whatever to be placed in the reports that you are making?—A. I don't know that. I know that Morgan lives there.

Q. And Mr. Krauss swears that he doesn't live there.—A. I am swearing to what I know.

Q. Which is the truth of the matter?

WITNESS. Don't ask me.

48 Q. Has Mr. Krauss lied about it, or are you lying about it?—

A. I don't think I am lying about it; I am telling you the truth.

Q. Let us be charitable, and let us suppose this to be a mistake; now, what confidence can you have in the report that you have made, that

Charles Morgan lives there, when Mr. Krauss swears he is not living there?—A. I have only to swear to my own report. I know nothing about Krauss. I haven't got anything to do with Mr. Krauss or what he swears to. I don't know whether Krauss swore to that—that he lived there or didn't live there. I didn't hear his evidence.

Q. Well, I presume you will agree with me that there aint a particle of confidence to be placed in any of these reports?—A. No, sir; 149 I won't agree to that; my reports are correct.

Q. If you had known that Krauss had sworn that he had gone there, and that Morgan never lived there, you wouldn't have volunteered this information that Morgan was living there?—A. I would. I know that man was there. I married my wife in that building. She was a girl then. I have since got married. I married shortly afterwards in that building.

Q. Well, another gentleman, by the name of Crocker, swore to a similar state of things; he was mistaken also?—A. I don't know nothing about it.

Q. Mr. Charles Crocker swore that he went to five or six places in that neighborhood, and couldn't find out anything about Charles Morgan; now, was he correct?—A. I cannot say that Charles 150 Morgan lives there now; I say he was living there on election day; he lived there on the second day of November.

Q. But you did state that he lived there now?—A. No, sir. No, sir; I didn't say that. Because Mrs. Barron lives near there, and I helped to move her the 16th of November, down in the house, and helped to move her from upstairs to down-stairs. I didn't state he lives there at all now.

Q. Now, various witnesses for the contestant have said that 1200 Collins street is a vacant lot; what do you say about it? Was it an old foundry?—A. 1200 Collins street is a nut and bolt factory. There is a vacant lot across the street.

Q. What did you say about it when you testified here the early part of the afternoon?—A. I don't know.

151 Q. Well, look at your dirty card there and tell us?—A. He never lived here.

Q. What did you say about it?—A. He never did live there, because there is no dwelling house there.

Q. Now, didn't you swear that that was a boarding-house, and did you not state this morning that you asked the lady that lived there, and she told you that she didn't know anything of Patrick Buckley, and didn't you also say that he was now in what was called the Parnell House?—A. No, sir; I did not, not to my knowledge, I didn't. Hold on, let me see again; 1200 is the Parnell House? No, there aint no such number.

Q. Now fix it one way or the other. Please just set yourself right about it?—A. Well, there is no such number. There aint no such number there.

152 Q. Is it a vacant lot, or is there no such number, or is it the Parnell House?—A. There is no such number as 1200 Collins street.

Q. Well, whose writing are you reading now?—A. My own writing.

Q. Well, then, if you stated this afternoon that you went to that house and inquired of the lady there for Mr. Patrick Buckley, you were mistaken about the place where you made your inquiry, and your report is a mistake as made in chief here?—A. I inquired at the Parnell House.

Q. And your report is not correct, if I quote you exactly?—A. Oh,

[don't say it is not correct at all. He did not live there; there is no such number there.

Q. But if you swore this morning that you inquired at that house for a lady living there—

53 WITNESS. At the Parnell House?

COUNSEL. At 1200 Collins street, and she told you that Mr. Buckley didn't live there, is that correct or incorrect?

Mr. POLLARD. I object to that question, because the witness never testified to that state of facts at all, and the gentleman conducting the case for the contestee well knows it. His testimony was that he inquired across the street, at the Parnell House, of a woman.

Mr. DONOVAN. I have your minute here; your own statement as it fell from your lips.

Q. I inquired if I could find any such number, and I went to the nearest number I could get at, and asked if they knew the man, and I put it down on the card.

Q. Since you won't answer my question, I must ask you
54 whether you inquired for Patrick Buckley at the southwest corner of Biddle and Collins?—A. I did.

Q. Now, just think over it for five or ten minutes, and see whether you did or not?—A. Well, I think I did, to the best of my knowledge; I inquired at the Parnell House.

Q. What corner is that on?—A. The southwest corner, right on the corner of Collins and Biddle street; southwest corner.

Q. What is the number?—A. I couldn't tell you the number.

Q. Couldn't you approximate the number?—A. I couldn't tell you.

Q. Is that 1200 Collins street?—A. I don't think it is.

Q. Well, what number is it?—A. I think it would be 1129, or something like that, or 1120. I don't exactly know the number of the
55 house. On the east side of the street would be 1200, if I ain't mistaken; I don't remember. I don't think I swore to this part at all before.

Q. You say you inquired for Alexander Bonner from one Mr. Burke. Who was Mr. Burke?—A. The party that was living in the house since the 16th of October, I think. He told me his name was Michael Burke. He used to be watchman at the Comique.

Q. Now, you moved Edward W. King from 1239 Collins street, at a convenient date. Please give it again.—A. I didn't move him at all.

Q. You have frequently stated the 10th of October; I believe you have added on a day this time. Look at your card and see?—A. That is right. He moved on the 11th of October.

56 Q. Who did you get that information from?—A. From Mrs. Carroll.

Q. Was he known there?—A. He was.

Q. How does it come that another witness that was on the stand in the behalf of the contestant swore that he was not known?—A. I don't know anything about that.

Q. Well, now, did he move the 11th of October or the 11th of November?—A. Mrs. Carroll says he moved on the 11th of October.

Q. But Mrs. Carroll or Mrs. Somebody Else stated to another gentleman who went down there on behalf of the contestee that he lived there and left on the 11th of November, 1880, now which was the truth?—

A. I am just swearing to what I was told there.

57 Q. Did you put it into her mouth the 11th of October?—A. I did not, sir. I asked her how long it was since he moved; she

said she couldn't exactly say. I say, what time was it; was it a year ago? She studied and then said, the 11th of October.

Q. Now, are you sure that she didn't say 11th of November, and you put it down the 11th of October?—A. I am sure that I put it down right.

Q. Still you can't tell me from any other source, except to read from your own handwriting with the greatest of difficulty?

WITNESS. I can't, eh? I can read good enough to understand it by myself; that satisfies me.

Q. You put down her statement as October instead of November?—

A. I did not. She says he moved the 11th of October.

158 Q. She stated she didn't know when he moved positively, then she said, let me see, about the 11th of October, and that satisfied you, and you jumped away?—A. No, sir; I inquired about the matter further.

Q. Who else did you inquire of?—A. I didn't inquire of anybody else. That was a woman that was living in the building.

Q. Who did you see when you went to inquire for James Downey, 123 Collins street, who, one of your brother witnesses swore, never lived at all at that place; that there was no such party?—A. I know the gentleman myself. I know there is a party of that name. I know him well.

I seen Mr. H. Owens, the man that owns the coal-yard there, and
159 owns the house and leases it out. This man had boarded with him at one time.

Q. Hasn't he been living there the past year?—A. No, sir; he moved from there last summer.

Q. Well, he is known, is he not?—A. Yes, sir; he is known.

Q. And so your brother witness is very much mistaken when he reported him as not known?—A. I don't know anything about what he reported at all. I had nothing to do with his report.

Q. Who gave you the information that Martin Keefe moved two years from 1308 Collins street; was it a brother canvasser?—A. No, sir; the
160 man in the house. It is the uncle—at least it is the wife of the man—no; it was the man that told me. The lady wouldn't tell me nothing; then the gentleman came home to dinner and told me. He came home while me and his wife were talking about this matter; his name is Dower. She wouldn't tell me anything about it; but I learned that he had not lived there for two years.

Q. Did they keep the boarding-house there?—A. No, sir; she is the aunt of this party. He has got no father or mother.

Q. Well, when did you move James Broaders, 1456 Collins street?—A. Moved before election day, it says here. I saw Mrs. Brown.

Q. What did you say to Mrs. Brown?—A. I asked her first if he is living here. She says, "No." I asked her how long ago it was
161 since he left there, and she says seven or eight months. That is the way she said it. I said, "Are you sure?" She says, "Yes." She couldn't tell me exactly the month. I says, "Was it before the election?" She says, "What election do you mean?" I said, "Before the Presidential election." She said, "Oh, yes; it was before that." That is the answer that I got from her.

Q. Well, she was engaged in her domestic duties, I presume?—A. I suppose so.

Q. And didn't bother much with it?—A. She stood talking with me until I bade her "good evening," and told her I was very much obliged.

Q. And you were very much obliged to her, if you got the man
162 moved away before election?—A. I don't know it was any bene-

to me particularly whether he moved or didn't move, as long as I the information.

Q. Well, Mr. Wolff testified that Thomas Burns was not known at 8 Broadway. I will ask you whether he was known or not.—A. Yes; he was known there.

Q. Yet I suppose he moved away before the election, too?—A. He n't live there since October.

Q. What is that house?—A. Well, it is—I can't call the name of the use now. I think the man's name is Joe Apprederis.

Q. Isn't it the Columbia House?—A. Yes, sir; I believe that is it; on Broadway and Cass avenue.

Q. Were you not informed that he was living there over a year?—A. I was not. I was informed that he was not living there since October. I got that from the barkeeper—Mr. J. Barker his name is.

Q. Why didn't you go up and ask the clerk of the house?—A. The keeper is as much of a clerk as the clerk.

Q. You preferred the barkeeper?—A. I didn't prefer the barkeeper, I was acquainted with the barkeeper, and the boss was not in.

Q. Who did you inquire of in regard to Daniel Hanley, 1318 Broadway?—A. I inquired of Mrs. McGinness.

Q. Where does Mrs. McGinness live?—A. She occupies three rooms at that number.

Q. What did she say?—A. She says he has not lived there for two years.

Q. Did she fix it at two years?—A. She says two years; that is the way she mentioned it.

Q. Now, doesn't that man live there at the present time?—A. I don't know; she says not.

Q. Well, suppose Mrs. McGinness informed another gentleman that hadn't moved at all, and was living there at the present time?—A. I don't know nothing at all about that.

Q. What confidence can you place in your own statement that you are here?—A. I don't think I am called upon to give an opinion upon that anybody else testified to here.

Q. Which statement was correct, that he lives there now or moved two years ago?—A. I am only swearing to what she told me.

Q. Which way did you go into that house?—A. From Broadway, up through the hall stairs.

Q. What was she doing when you conversed with her; was she in the dining-room, busy?—A. No; there was two of them stood there talking to me; the servant girl and her both.

Q. They were talking to each other?—A. They were talking to me, I a young fellow that was with me canvassing.

Q. Who was with you?—A. Well, I don't know whether I have got to answer that or not.

Q. There is no harm about it.—A. If Mr. Metcalfe says so I will answer it.

Q. Will it criminate you?—A. No; it aint got nothing to do with the case. Well, it was Mr. Manning.

Q. So Manning was one of the parties that you were called upon to bolster up?—A. I didn't bolster up nobody. I attended to my own work.

Q. You got a great deal of your information from Mr. Manning?—A. Not a bit.

Q. Did he not render you signal assistance in this matter?—A. No, sir.

Q. You kept asking him for information in regard to these parties?—A. No, sir. After I got to working he said I would have to go on the stand and swear to them.

Q. Although he had been on this ground before you, yet you never spoke to him about these parties?—A. No, sir; I never did. I didn't have any such conversation. I was going to go over it myself for myself.

167 Q. Now, isn't it a fact, Mr. Patterson, that the most of your information that you placed on those cards was derived from Mr. Manning?—A. No, sir; it is not.

Q. Didn't you take it easy and earn your dollar and a half or two dollars a day by staying in your room and having Manning dictate to you what you were to put on the back of your cards?—A. No, sir; I did not.

Q. Did he tell you what to write there?—A. No, sir; he only told me how to spell the words that I couldn't spell.

Q. Mr. Manning, then, went along as your tutor to tell you how to spell?—A. He never told me how to spell a word unless I would ask him.

168 Q. What words would he spell on your card?—A. The witnesses' names; that is all.

Q. You wouldn't ask him how to spell the street?—A. No, sir; I can spell that.

Q. You didn't know how to spell the names of the witnesses?—A. No, sir.

Q. And the only assistance he gave you was in spelling?—A. That is all the assistance he gave me.

Q. You never asked for information in regard to where the parties lived, nor how long they had lived there, and when they moved?—A. Except it was parties I knew he knew too.

Q. Was he with you all the time?—A. He was with me every day and every hour.

Q. He was very careful that the same information that he got
169 was given to you?—A. Oh, no; I don't think so.

Q. When Mrs. McGinness gave you this information you were careful to see that it would agree with the testimony of previous witnesses?—A. No, sir; I don't know nothing about the previous witnesses.

Q. How many of those cards did he write for you?—A. He didn't write any.

Q. How many of them did he spell for you?—A. Most every name that was on them; any Dutch name.

Q. Is Mr. Manning a Dutchman?—A. No, sir.

Q. Why would you call upon him to spell Dutch names?—A. Because he is a practical scholar.

170 Q. What do you mean by a practical scholar?—A. He has got a pretty good education; that is what I mean.

Q. So you took him along as a private secretary?—A. He was hired the same as I was; I didn't take him along; I went with him.

Q. What did you find out about James J. Gorman, 1312 Collins street?—A. Well, I don't believe I have got him here at all.

Q. He lives there, then?—A. He lives there; yes, sir.

Q. Now, about another name—Frederick Brooks, 1312 Broadway. Did you find that the witness that swore that he lived there was mistaken?—A. I aint got no such name.

Q. Did Mr. Metcalfe take that card away from you ?—A. I haven't got it.

Q. Did Mr. Metcalfe take that card away from you ?—A. I can't say whether he did or not.

Q. How many cards did he take away from you ?—A. I couldn't say to that.

Q. Well, did he take any ?—A. Yes, sir ; he took one or two.

Q. Are these the two cards that he took away from you ?—A. You have only mentioned one card to me.

Q. Well, and another one—Fred. Brooks ; the man that lives there ?—A. I don't know the man at all.

Q. Did you not testify that he did live there ?—A. Not as I know of. I seen my memorandum I might tell you. I can't tell you nothing about it now.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Wednesday, April 20, 1881, then to be continued at the same place, and at the hour half past nine o'clock of the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 56.

1 Pursuant to adjournment as above stated, on the 20th day of April, 1881, at the hour of nine o'clock of the forenoon, I continued the taking of these depositions, as follows:

Cross-examination of Mr. PATTERSON resumed.

By Mr. DONOVAN:

Question. I believe you stated yesterday that your guide, philosopher, and friend assisted you in this canvass, and that his name was one Manning?—Answer. Yes, sir; I did.

Q. Is he the man that was present here yesterday, with the bad eye and various blue spots?—A. His name is not Manning, at all.

2 Q. What is his name;—A. Mannion.

Q. How do you spell it?—A. M-a-n-n-i-o-n.

Q. If he spells it Mannung, which of you are correct?—A. Well, I don't know, I think his name is Mannion, the way he pronounces it himself.

Q. He accompanied you throughout all your travels?—A. Yes, sir.

Q. Did you ask him to go along?—A. I did not; he was hired to go with me; we were both hired to go together.

Q. Was that because you were an inefficient man?—A. No; it is customary, I think, to send two men around to canvass; I suppose that is done to see that one man does right, one man to witness the other.

Q. Did you not know that he was a witness in this case?—

3 A. I did not.

Q. And that he was interested in having his own reports verified?—A. Well, I couldn't swear that he was a witness at all, unless from his own words.

Q. However, you got no assistance from him other than spelling?—

A. That is all the assistance I got.

Q. Now, will you please tell me what was your report in regard to P. McCarthy, on the northwest corner of Broadway and Cass avenue?—A. Well, I can't answer that without a card.

Q. Well, in order to be perfectly sure about it, you had better take up your bundle of papers and cards, and examine your memorandum?

—A. Isn't that P. W. McCarthy?

4 Q. Well, P. McCarthy?—A. I have got that number here, northeast corner of Broadway and Cass avenue. He never lived there.

Q. Where did you inquire?—A. I inquired there right at the number where he ought to be; at the stable; Reilly and Woolfert's stables.

Q. In your direct examination yesterday, you stated that you inquired of a lady; which is true? And you gave her name as Mrs. Ryder?—A. Mr. Ryder I said; I said Mr. Ryder; I said Mrs. Ryder and then I said Mr. Ryder right after, if you remember right.

Q. Who lives there?—A. Nobody lives there; that is Reilly and Woolfert's stable.

Q. And you could obtain no information regarding him?—A. They didn't know him; they said he never lived there.

5 Q. Now, inasmuch as the contestee's witness swore that he found Mr. McCarthy, and that he was a watchman at the Columbia House, 1448 Broadway, and lives there now, and has for a long

time past, and the Columbia House is immediately across the street, why did you not go there and ascertain whether the contestee's witness spoke the truth or not?—A. I don't know nothing about the contestee's witness at all; I never heard no witness on the stand here in my life.

Q. You could have gone to the Columbia House, where this man lives, and it is right across the street from where you were?—A. It don't make no difference; I went to the northeast corner of Broadway and Cass avenue; I went to the number on my card.

Q. You saw the Columbia House there?—A. I saw the Columbia House.

Q. And it was right across the street?—A. Right across the street from the stable, yes, sir.

Q. Well, you say now you can't understand why you didn't go to the Columbia House?—A. No, sir; I had no occasion to go to the Columbia House; I was not inquiring for the Columbia House.

Q. What was the necessity of going to a place where a man didn't live?—A. That is where the number of the card was; that is all I am worn to; I have got nothing to do with where he did live.

Q. Now, you say that you did inquire at that mule yard that you visited; Mrs. Ryder?—A. Mr. Ryder it is.

Q. That you inquired of her for Mr. McCarthy?—A. It is not Mrs. Ryder at all.

Q. Now, in the case of Wilson Gross, the contestee's witness testified that he was living on the east side of North Second street, opposite 1435, and had been living there since the tenth of September, 1880, and that there was no number on the house; now, did you visit the house across the street from 1435, and inquire for Wilson Gross?—A. I did not.

Q. You, of course, went to 1435 where the man did not live?—A. Yes, sir; that is where I went, 1435.

Q. And you can give now no explanation why you did not go where the man did live, which was across the street?—A. I had no occasion to go there.

Q. Now, you inquired for Patrick Gill, at 1413 North Second street, a man who was reported by one of the contestant's witnesses to have never lived there; what did you ascertain?—A. Well, he moved from there seven months ago; he did live there.

Q. Well, now, do you fix it at just seven months?—A. I have got the landlord's word for it; I can't fix it at all.

Q. Seven months is pretty close around election time, isn't it?—A. I don't know.

Q. If the same landlord informed the contestee's witness that the man lived there in November, which statement is to be relied upon?—

A. Well, I don't know nothing about any other statement only my own, what I was told myself.

Q. Now, did Michael Croak ever live at 1507 North Main street?—A.

Yes, he lived there, but he didn't live there on November 2.

Q. Why?—A. I couldn't say why.

Q. Is there anything peculiar about his case?—A. There aint no peculiarity at all, but Dan. Hickey is the landlord for them houses right there; they were torn down; I don't know when they were torn down, whether before that or not.

Q. Where did you see Dan. Hickey?—A. There at the building where they were putting up the foundation of a new building.

Q. Do you know when the houses were torn down?—A. I couldn't say.

Q. Now, do you not know that those houses were not torn down until the latter part of November?—A. I don't think they were myself; I aint so certain that they were torn down before that.

10 Q. Then this gentleman, Michael Croak, and his relative, Patrick Croak, moved from there and went to 203 Florida street?—A. I don't know where they moved to.

Q. Why didn't you go to those gentlemen and ask them when that house was torn down, and when they moved away from it?—A. The landlord is the proper man, I think, to ask any information on that point.

Q. 203 Florida street is right in that immediate vicinity, isn't it?—A. Yes, sir; it is.

Q. It would have caused you very little additional labor to have gone to the house where those gentlemen are living and ascertain from them when the houses were torn down?—A. Yes, sir; but then I didn't do it.

Q. The statement would be a great deal better coming from them than to come from a stranger?—A. No, sir.

Q. Not in your judgment?—A. Because they knew me, and knew what I was after.

Q. Then everybody that knows you lie to you?—A. They would in a case of that kind.

Q. That is your judgment of the veracity of your acquaintances?—A. That is my judgment of them parties; when I went around to make this canvass your men had been down there but a few days before.

Q. Well you didn't see either Michael Croak or Patrick Croak, who moved from that place when the house was torn down in November?—A. I didn't see nary one of them move on the second of November—or didn't live there on the second of November rather; excuse me.

12 Q. Doesn't Frank Foster board at 1318 Broadway, and has he not been boarding there for years?—A. He don't live there at all, he only takes his meals there.

Q. Well now at this same place that Croak lived, or next door, were not the houses number 1507 and 1509 all torn down at the same time?—A. Well, no, sir; they was not, for it is only about five or six days since the corner house was torn down.

Q. When was 1509 torn down?—A. I couldn't tell you.

Q. Who told you when 1509 was torn down some time the latter part of November?—A. I didn't tell you that anybody told me that.

Q. Are not both of these houses torn down to make room for some other building there?—A. I don't know that.

13 Q. And Edward Goady, who lived at 1509, and old Nicholas Fitzpatrick—A. Nicholas Fitzpatrick did live there on November second.

Q. Now the houses were torn down, both of these houses, 1507 and 1509, were torn down November the second?—A. I don't know whether they were or not, but Goady moved from there a year ago.

Q. Who told you that?—A. Dan. Hickey told me that.

Q. How far does Dan. Hickey live from 1509 North Main street?—A. I couldn't tell you; when I went around to make the canvass—

Q. Where does he live, if he is an acquaintance of yours?—A. Dan. Hickey, he lived opposite Filley's foundry; I couldn't tell you the number because the houses were torn down when I went to make the canvass.

14 Q. Those were tenement houses, were they not?—A. Yes, sir.

Q. A great many people lived in them ?—A. Yes, sir.

Q. And Mr. Hickey owned the property ?—A. Yes, sir.

Q. And he was not a boarding-house keeper ?—A. No, sir ; not to my knowledge he was not.

Q. Now did you go to 1427 Collins street, or 1437 Collins street, and ascertain something regarding Thomas Keef; the contestee's witness found him at 1437 Collins street, instead of 1427 Collins street ?—A. Well, there is no such number as 1427 Collins street.

Q. You marked that down and walked away ?—A. No, sir; I did not ; I didn't mark no such number, but I know there is no such number.

Q. You didn't have occasion to inquire regarding that if you knew it ?—A. I am acquainted with Mr. Keef, and am acquainted with the woman that I call his aunt ; her name is Mrs. Whalen.

Q. Thomas Keef never did live at 1427 Collins street ?—A. No, sir ; never did, there is no such number.

Q. Then why didn't you go to 1437 ?—A. I went to 1437 where Mrs. Whalen used to live when he used to live there with her.

Q. Had he ever lived there ?—A. Mrs. Welsh told me that he had lived there, but that he had gone to board with Mrs. Nickey on Collins street, between O'Fallon and that next street there, before November—some time in October.

16 Q. You would prefer to have it in October rather than in November ?—A. I wouldn't prefer to have that no such thing.

Q. Didn't he move to Collins street, 1437, on the fifteenth of November ?—A. I didn't make any strict inquiries about when he moved, but he didn't live at 1427.

Q. Why didn't you make strict inquiries ; why do you come upon the stand and place it as in October if you did not make strict inquiries ?—A. I was told October.

Q. If you got an answer October from one of these ladies, you put it down in your book and made no further or strict inquiry ?—A. No, sir ; I made no further inquiry.

Q. Because that answer suited you ?—A. No, sir ; it was not the number I was looking for, that is why it suited me.

17 Q. Now, when did you move Mr. Michael Sloney from 209 Florida street ? I presume it was before the election.—A. He moved before the election.

Q. Who did you get that information from ?—A. From Mrs. Mike McCarthy, the woman who has been living there for twenty years in the same building.

Q. How many other Mrs. McCarthy's live there ?—A. None to my knowledge.

Q. How many other people live in the house ?—A. Nobody lived there but her when I was there.

Q. Now, if the information is obtained right at the house that the man only moved from there last month, which information is most reliable ?—A. If she had informed me that way I would have put it down on the memorandum that way.

18 Q. Is she any relative of that man ?—A. No, sir ; she is not. She said Sloney, or Sloney, lived down on Main street ; but no such man lived there before or after the election, to her knowledge.

Q. Just state now to us what you said to her when you went to make inquiry.—A. I asked her if there was such a man by the name of Michael Sloney, or Sloney, living at this building ? She says, "No."

Q. Is that all ?—A. No, that is not. I asked her, then, "Did you ever

know him to live at this building?" She said, "No." I says, "How long have you been living here?" She says, "Twenty years."

Q. And so he never had lived there?—A. So he never had lived there.

19 Q. Well, why do you say he moved away before the election if he never lived there?—A. I put it down before election.

Q. If the information that you received from this good lady was that he had never lived there, why did you state that he had moved before the election?—A. I put it down in a hurry.

Q. You did a great deal of this work in a hurry, did you not?—A. No, sir; I haven't done any that is not correct.

Q. Now, did you place a lie upon your card?

WITNESS. Is that a lie?

COUNSEL. Yes; according to your statement it is. You state to me here under oath that the woman informed you that Michael Sloney never lived there, and yet you placed on your card, moved before the election.

A. Yes, sir.

20 Q. Did you conduct all your business in the same way?—A.

Well, this woman is not supposed to know everything, and he may have lived there a few days.

Q. Oh, then, you put him there?—A. No, sir; no Mike Sloney or Sliney, didn't live in that house.

Q. Well, a great deal of this information is based not upon your knowledge, but such as was hatched out in your room and written on the back of these cards?—A. My information is from the people at the houses.

Q. But you didn't put down on the back of the cards the information that you got from the people at the houses, especially did you not put it down in the case of this good lady?—A. She didn't say that he never had lived there.

Q. Did you put on that card a statement directly contradictory
21 to the information that you got from the lady?—A. I don't understand anything of the kind—contradictory. I don't contradict nothing.

Q. In stating that a man moved away from a place that he had never lived at?—A. She said he never lived there; she didn't know him.

Q. You have just told me, not ten seconds ago, that the woman there informed you that he never had lived there?—A. To her knowledge; she didn't know.

Q. And she had been living there twenty years?—A. And she had been living there twenty years.

Q. Now, you are a little mixed on that card, are you not?—A. No, sir; I am not mixed at all.

Q. But that is a good sample of how you conducted this whole
22 business?—A. Oh, I don't know. If I aint mistaken, this woman said that there was a family lived there—a mother and a son—but she couldn't tell their names. I think that is the way the witness was stating it; she didn't never know no Michael Sloney, or Sliney.

Q. And didn't know the names of the people that lived in this house?—A. No, sir.

Q. Although she had been living there over twenty years?—A. Although she had been living there over twenty years.

Q. Now, the contestee's witness testified that Dennis O'Hara lived at 223 Howard street, and had been living there for the past four years;

now I presume you went to inquire for this gentleman at 212 Howard street, did you not?—A. I did, most emphatically.

Q. Didn't you know before you went that the gentleman didn't
23 live there, when you had the light of the contestee's evidence to the fact that he was living on the same block, but at number 223.

WITNESS. Just give me the name of that man.

COUNSEL. The name is Dennis O'Hara.

A. This is O'Hare.

Q. Well, that is it. Living at 223 Howard street, and had been for four years. Why didn't you go there and see if that was true or not?
—A. I had no occasion to go there at all. I went to the number that was on my card, where I was directed to, I had no business to move all around the town looking for a man. If he had moved up into Frenchtown I had no business to go there and look for him.

Q. No; but if he was immediately, just immediately across the
24 street, you wouldn't have to take this trip to Frenchtown, would you?—A. No, sir.

Q. To seek for him?—A. No, sir; I suppose not. He was not living at No. 223.

Q. But were you not told, when you went to the house, that he lived right across the street?—A. No, sir; nobody knew him.

Q. This man lived in the same place for four years, right across the street from where you asked, and nobody knew him?—A. Nobody knew him around there at all.

Q. Did you inquire in 212 at all?—A. I did, sir.

Q. Or is this another card which you and your tutor and private secretary, Manning or Manion, reported upon in your room?—A. No, sir. I went to 212 Howard.

25 Q. What sort of a house is 212 Howard street?—A. It is a big frame house.

Q. Isn't it a stable?—A. No, sir; it is not a stable. Let me see.

Q. Well, see, then; think over it; but be quick.—A. I believe, now, when I come to think of it, it is a stable, the sprinkling stables.

Q. Yes; I thought so. You are a little mixed on this card, too, are you not, for the reason that it was written up in your room with the assistance of your spelling-master?—A. No, sir; I couldn't well remember the name of the case.

Q. How many ladies are there around in that stable that you inquired of?—A. There aint no ladies there.

Q. Then you didn't inquire of any ladies there, as you stated in your direct examination?—A. There is a gentleman and a lady next
26 door to the stable, in a stone house. I couldn't get the names of them. They wouldn't give me their names. They have been living there for some time, too.

Q. Now, who did you see when you went to inquire for John Ryan, at 1812 Broadway?—A. A Mr. Herminghaus.

Q. Does Herminghaus live there?—A. Yes, sir; keeps a saloon there.

Q. Don't you know that he lives across the street?—A. No, sir; he lives at that number.

Q. Well, what did he tell you?—A. He told me that he moved before the election to Eighth and Mullanphy street.

Q. Now, didn't you inquire for the wrong party, inasmuch as this man did not move to Mullanphy street at all, but moved in December last to Washington avenue? Spell it out again.—A. He
27 moved to Washington avenue before election. You are correct.

Q. Why did you say Mullanphy street?—A. I made a mistake in spelling.

Q. How many mistakes are you making, as you go along now?—A. I don't know. I am reading them off to the best of my knowledge and ability.

Q. Who wrote what you have got on that card?—A. I wrote it myself.

Q. Didn't your preceptor write it?—A. He did not; I wrote them myself.

Q. Why did you read it Mullanphy street when it is Washington avenue?—A. Because I am a poor writer and a poor speller.

Q. And a poor canvasser of information that can be relied upon?—A. No; I don't know about that. I don't know anything of the kind.

28 Q. Could you find Patrick Mohan at 1541 North Second street?

—A. There is no such man lives there.

Q. Now, what was your report when you gave it before; no such number, wasn't it?—A. No, sir; no such man lives here.

Q. Didn't you state simply that there was no such number?—A. Not to my knowledge I didn't; I may have said that first; I corrected it right after, when I looked at the card close.

Q. You have to make frequent corrections as you go along?—A. Yes, sir; I am a poor speller; I have got poor eye-sight; my memory happening to forget, I have to depend upon my cards. Mr. Manion happened to break my goggles the other day.

29 Q. Did you ever wear goggles or glasses in your life?—A.

Yes, sir; here they are. They belong to Lawrence Manion; he gave them to me because he broke mine.

Q. And they were furnished to you for this occasion?—A. No, sir; they were not furnished to me for this occasion, but because night before last I got mine broke.

Q. You are holding those cards pretty close down to your knee, and you are reading from them there; if you have a defect in your eye-sight why don't you hold the cards to your eyes?—A. I am taking them close enough for my eyes to see.

Q. Well, you do see them?—A. I do, but I have got to see the letters in there to make them out.

Q. Elevate the cards a couple of inches so that you can see them better than you could at that distance that you are now holding them at.

(Witness brings the cards near to his eyes.)

Q. You can see them very well now, can't you, at that distance?—A. Not so very well, either.

Q. Now, did you inquire for James Callow or James Carroll at 219 Mullanphy street?—A. I did, sir.

Q. Look at your card again and see who you did inquire for. You answer me very glibly.—A. James Connell.

Q. Then you did inquire for James Carroll?—A. No, sir; James Connell it is.

Q. Now, if James Carroll lived at 219 Mullanphy street since the first of April, 1880, and died on the first of March last, did you seek to contradict that information?—A. I didn't ask for any James Carroll at all; I asked for James Connell.

31 Q. And of course you didn't find him?—A. And he didn't live there.

Q. And there never was any such man?—A. No one in that neighborhood knew him.

Q. Didn't you see a lady there that was still in mourning for her brother?—A. I did not; I didn't pay any particular attention for mourning.

Q. Did you inquire?—A. I inquired for James Connell.

Q. Who from?—A. From a lady there.

Q. Wasn't she in black?—A. She was not, to my knowledge.

Q. Well, now, when you testified in chief you said you did not inquire from a lady, but you inquired from a gentleman; now, when are you telling the truth in this case?

Mr. POLLARD. Counsel for the contestant objects to the question, because the witness has given no such testimony, and it is a mis-
 32 statement of the testimony, as the gentleman well knows; and he has done it some nine or ten times right straight along, and he has done it for the purpose of amplifying this record, and making this testimony ridiculous, and he is now seeking to make this witness cross himself.

Mr. DONOVAN. This is an effort to help the witness out of a very serious dilemma, but I have it down in my own notes in black and white, coming from his own lips, when he testified in chief that he made his inquiry of a gentleman; now he says he made it from a lady.

Mr. POLLARD. The gentleman's notes in black and white are about as correct in this case as they were in the various names which he ob-
 33 jected to this witness testifying about yesterday, when upon a closer scrutiny of his notes he ascertained that he had proved that those parties lived at the places where we proved they did not live. Because he has employed a parcel of boys to make notes for him, he must not make the allegation that he can swear to everything that those boys made in the shape of notes.

Mr. DONOVAN. Inasmuch as none of my assistants are boys, and all of them are gentlemen of the highest intelligence, and the gentleman now assisting me is a member of the bar of the city of Saint Louis, I think that Mr. Pollard's assertion is a very gratuitous one.

Mr. POLLARD. But the same gentleman, according to his own statement, has numerous and divers bets on this election, and was one of the most zealous witnesses which the contestee put upon this stand.

By Mr. DONOVAN:

34 Q. Well, did you inquire from a gentleman or a lady?—A.

Well, I think it was from a lady, to the best of my knowledge. I am not very sure. I can't remember, I never kept no book. You see you can't remember all these parties as long as they don't give you their names.

Q. Why wouldn't they give their names?—A. They won't give them. Everybody has been around there before I got around, and asked them so many questions, they were getting mad.

Q. Did you inquire for Lawrence Cavanaugh at 1027 North Fifth street, or on the southwest corner of Fifth and Carr?—A. I inquired at 1027 North Fifth street.

Q. Who did you see?—A. I saw Mrs. Cleary.

Q. Are you not personally acquainted with Mr. Cavanaugh?—A. I am, sir.

35 Q. Do you know what is his business? Is he not a saloon keeper?—A. He is not, sir; he did have a saloon at one time; he is a horse trader now.

Q. Does he not own and keep a saloon on the corner of Fifth and Carr, and live there?—A. He does not, sir; the owner of that saloon is—

Q. Who told you all this?—A. I know this for myself. Mrs. Cleary told me that he didn't live there; he used to room there, but he moved three years ago.

Q. That is what Mrs. Cleary told you?—A. Yes, sir.

Q. Where did he move to?—A. She didn't say. I didn't ask her.

Q. Don't you see the gentleman every day?—A. I do not; I don't happen to be up there every day.

36 Q. But every time you go up there you can't help seeing him?

—A. He is also at that stable.

Q. Why didn't you go to Mr. Cavanaugh and ask him?—A. Because he would know what I am going about, and he wouldn't tell me the truth.

Q. Were you engaged in a disreputable business?—A. No; I was not.

Q. What objections would you have to receiving a man's statement for what it was worth?—A. If I voted from a place that I didn't remember, I wouldn't tell the man that I didn't remember if I knew he was clerking for that business.

Q. So you thought you had a lot of frauds to deal with?—A. I know that Mr. Cavanaugh is kind of that way.

37 Q. He is one of your associates, isn't he?—A. No, sir; he is not.

Q. You are all in the same boat?—A. No, sir; I am acquainted with the man to see him.

Q. You are so accustomed to dabbling in frauds yourself that you think that all our other citizens are addicted to practicing frauds the same as you are?—A. No, sir; I don't dabble in frauds at all.

Q. He doesn't live near enough to the alley in which you live to be a fraud?—A. No, sir; he don't live near the alley.

Q. When you went to inquire for Thomas Cullen, at 1023 North Fifth street, whom did you see?—A. I saw Mrs. Gruenewald, or H. Gruenewald, rather.

38 Q. Now, which did you see; a man or a woman?—A. I seen both of them.

Q. What did both of them say?—A. The man was talking to me; he said that this man moved eighteen months ago.

Q. He is a first-class Republican, is he not?—A. I don't know the man's politics.

Q. He laughed when he told you that, did he not?—A. He did not.

Q. He thought it was a good joke?—A. I don't know what he thought it was; I couldn't very well tell his mind.

Q. Well, he winked at you?—A. He didn't do nothing of the kind.

Q. If Mr. Gruenewald is a first-class Republican, and received this man's vote from that very house, what would you think of his statement to you that he has not—that he moved eighteen months ago?—

A. I don't know whether he received his vote or not.

39 Q. Mr. Gruenewald was judge of election right there, and received that man's vote; which of his statements are correct?

(Mr. Pollard, counsel for the contestant, objects to the question, because it is prefaced with a statement which is absolutely and wholly untrue.)

By Mr. DONOVAN:

Q. Mr. Gruenewald, a witness for the contestee, stated that the man

had lived there; that he was entitled to vote; that he, as a judge of election, received his vote; now, if I understand you, you say that Mr. Gruenewald tells you that this man moved eighteen months ago?

Q. He is a barber, is he not?—A. Yes, sir; he is a barber; I think he is; I think that is the same gentleman; Mr. Gruenewald told me that he moved eighteen months ago.

Q. Then, as a Republican judge, he did not faithfully execute the duties of his high office in receiving this good Republican as a voter, did he?

(Mr. Pollard, counsel for the contestant, objects to the question, because Mr. Gruenewald was not a Republican judge.)

Mr. DONOVAN. The gentleman so testified when he was on the stand, when he was under oath, and I certainly believe the gentleman.

Mr. POLLARD. I say that there is no such testimony, and the gentleman well knows it; the man whom this witness is now testifying about, and the man whom we had on the stand as a Republican judge, are not only different men, but they spell and pronounce their names differently.

Mr. DONOVAN. Now, to show how wide Mr. Pollard is of the mark, I have only to state that Mr. Pollard never did place the gentleman on the stand at all, for Mr. Gruenewald was placed on the stand by myself, contestee's counsel.

Q. (To the witness.) About what time in February did G. H. Walsh move from 1204 North Seventh street, the gentleman who was reported by Joseph Golby, one of your brother canvassers, as not known?—A. He was not known there.

Q. Did you so testify when you were on the stand yesterday?

WITNESS. What is that?

Q. Did you so testify when you were on the stand yesterday?—A. I did, sir; I testified that he was not known.

Q. Who told you?—A. Nobody around knew him; everybody that I went to, his name was not known there.

Q. Well, who was everybody?—A. I asked two or three persons.

Q. Where; in the saloons about there?—A. In the neighborhood.

Q. Two or three persons about there didn't know him?—A. Two or three persons around there didn't know him, that have been living there.

Q. That is a thickly settled portion of the city, is it not?—A. Yes, sir; it is between O'Fallon and Biddle.

Q. And because you met two or three persons that didn't know Mr. Walsh you concluded that the man never did live there?—A. I went into the houses where they had been living for some time.

Q. Where he was living for some time up there, was that?—A. Where people had been living for some time. You pick me up before I fall, my friend.

Q. Didn't you find people living there, too?—A. Yes, sir; that had been living there for some time, I say.

Q. What sort of a house is that?

WITNESS. What, 1204?

COUNSEL. Think it up quick.

A. I think it is the Adams Express stables.

Q. Well, now, is anybody living in the Adams Express stables?—A. There is people working there.

Q. Does anybody live there?—A. Not to my knowledge; I don't know, sir.

Q. Now, why did you say that you went to that place where people

had been living a long time?—A. People had been living in the next house for a fact.

Q. Oh, then, you didn't get this information from the people at 1204 that were living there?—A. They never lived there, to my knowledge.

44 Q. Well, now, this John Kane lived at 1218 North Seventh?

—A. There is one John Kane lives there.

Q. How many John Kanes would you expect to find there, a dozen?

—A. I only went for one, and he is living right there.

Q. Now, how is that; your brother canvassers report that he doesn't live there?—A. I couldn't tell you.

Q. Which of you is telling the truth?—A. Well, I am telling the truth, I think; I am pretty sure I am; I know the gentleman myself; I seen himself when I went to inquire.

Q. When did Wm. Foley move away from 1225 Foster alley?—A. I couldn't tell you when he moved.

Q. Didn't you swear before when he moved?—A. I did not; I said that he didn't live there November second.

Q. Who informed you of that fact?—A. Mrs. Gallagher.

Q. Was Mrs. Gallagher related to him?—A. Not to my knowledge.

Q. Did she keep a diary as to when her neighbors moved?—A. She did not.

Q. What did you say to Mrs. Gallagher?—A. I asked Mrs. Gallagher if Wm. Foley lived in that neighborhood; she said that he had not lived there November second; I asked her that.

Q. How did she come to pick out November second?—A. I asked if he lived there in November, she said that she was not sure, that she didn't think he had; I said, "Did he live there in October;" she
46 said, "I think he did." I then says, "Did he live here on November second, the Presidential election;" she says "No."

Q. And she slammed the door in your face?—A. She did not do anything of the kind.

Q. She said when you asked her the question—she said, "I don't know when he moved from here," but before you left the house you succeeded in fixing it that he moved before November second?—A. I didn't fix anything of the kind.

Q. But she didn't know?—A. I have only got her own words.

Q. Yes; but her own words were your own words were they not?—A. They were not; I asked her if he lived there November second, the Presidential election. She said he did not.

Q. And then she just went about her household duties?—A.
47 She staid there till I left her.

Q. What report did you make in regard to Michael Grady, 1225 North Fifth?—A. He hadn't lived there for nearly a year.

Q. One of your brother canvassers reported that he moved four months ago; is that true?—A. I don't know anything about that; he didn't live there for nearly a year, is the evidence I got.

Q. Now, did you inquire in the rear of 1225?—A. I did not. I inquired from the gentleman that keeps the Saint Lawrence Hotel, that is the number, and he has got the whole property leased, back and front.

Q. Now, do you not know that gentleman was on the stand here, and testified that Michael Grady did live there in the rear of 1225;
48 how does it come that he gives you different information?—A. I don't say, my friend, that he hadn't lived there, I say he had not lived there for nearly a year.

Q. But if this gentleman stated he did live in the rear of 1225 for a

period of time after the election, and moved to Seventh street, is sworn testimony here to be believed, or is your statement to be pre-
d?—A. I don't know nothing about that; I am just swearing to
t I was told, the best information that I could find out.

. What is your report in regard to Patrick Murphy at 1311 North
h street?

Witness examines his cards.)

. Can you not recollect without going through all those records?

WITNESS. What is the number?

COUNSEL. 1311 North Sixth street.

WITNESS. No; I can't recollect.

COUNSEL. Well, let me help you out; you said you found out
i parties that he had lived there on election day; is that your re-
?

. Well, I couldn't tell you, until I see my memorandum.

. You have no recollection of these matters beyond these pieces of
eboard that you have got?—A. No, sir; if you have got about a
dred names to testify to it aint so easy for you to keep all them
es in your mind, although you are very well acquainted in your
d.

. Now, you are very well acquainted with Patrick Murphy?—A. I
not to my knowledge, until I see the card; if I reported that he
O. K. then it is not here.

Q. Is that one of the cards that Mr. Metcalfe took away from
you? Who did you see at the house of John Grady?—A. I seen
Mrs. Delaney.

. Did Mrs. Delaney say that the gentleman was known? He had
i reported previously as not known by one of your brother can-
ers.—A. He is known, but he moved during last summer.

. Was Mrs. Delaney any relative of his?—A. I can't say.

. What sort of a house is that? Don't take all day to consider it;
ou don't know say so.—A. Well, I am going to take my time; I am
answering at random here, you know.

. You have done a great deal of random answering, so if you don't
w I wish you to state the fact, and let us pass on.

Mr. POLLARD. I object to this statement from the counsel for
the contestee in this case. He has, from the time that the witness
went on the stand until now, been throwing mud and casting
s upon the witness continually.

r. DONOVAN. That is only done because the gentleman deserves it.

WITNESS. I don't deserve anything of the kind.

r. POLLARD. If you don't know tell him so.

r. DONOVAN. Now, that the counsel for the contestant gives you
same advice that I did, why don't you state?—A. I don't know
tly what kind of a house it is.

. Why didn't you say that five minutes ago?—A. Because I want
ake my time and tell it right; because I don't want you to say next
ute that I contradict myself.

. You couldn't find anybody that knew James Garrett, 2219 Broad-
way?—A. He was not known there.

Q. Although he lived there for a long time, and lived there on
election day, you didn't find him?—A. He is not known there at
t that number.

. Who did you see?—A. I don't know the lady's name at all.

. Did he ever live there?—A. I couldn't find out.

. Was the door slammed in your face at that place?—A. The door

was not slammed in my face, but the party laughed at me, and wouldn't give me any name. She said she had given her name to two or three parties already, and she wouldn't give to anybody else.

Q. So she laughed at you?—A. Yes, sir.

Q. Who did you see when you went to the house of A. G. Bromley, 2520 Broadway; did you receive information that he moved before the election, and that you couldn't get the names of the parties that told you that?—A. Moved three or four months before the November election, I believe it is.

Q. How do you spell that out?—A. He moved out three or four months before November election.

Q. Is that on your card?—A. Yes, sir.

Q. Who told you that?—A. I don't know the lady's name; I believe it was a lady, too.

Q. Didn't Mr. Manning tell you that?—A. No, sir; Manion didn't tell me anything of the kind.

Q. Then you don't know who told you that?—A. It was a lady or gentleman I found out at this number.

Q. Did you ask them for their names?—A. They wouldn't give me their names; certain I asked everybody for their names that I went to make any inquiries of.

Q. And these parties wouldn't give you their names?—A. No, sir.

Q. They turned you off, did they?—A. Yes, sir; they wouldn't give me any information.

Q. When you went to seek for John Coffey did you go to 4001 Kossuth avenue, where the gentleman was found and was living, that being a fact testified to by the contestee's witnesses?—A. I did, sir.

Q. Look again at your cards now, and see whether you went to 4001?—A. He moved a year ago.

Q. Look at it again, or let me look at it.—A. That is correct, sir.

Q. Is that a 1 or a 9?—A. 4009; so it is.

Q. I have asked you that question three times.—A. No, sir; you did not ask me but once. I understood you to say nine; you said look at it again three times.

Q. I asked you three times to look at that card, because you have sworn in your testimony-in-chief that you did not inquire at 4001.—A. I did not inquire at 4001.

Q. Now, did you inquire also at 3937 Kossuth avenue in regard to the same man?—A. I didn't inquire no place only this number.

Q. Was not the information given to you that this man lived at 3937 Kossuth avenue, and in January of this year moved to 4001 Kossuth avenue?—A. Never got no such information.

Q. But you went to 4009; who did you see there?—A. Well, I seen a lady there too; she wouldn't give me her name.

Q. Could you not get any information from her?—A. All the information I got was that he moved a year ago; that is what it says here on this card.

Q. Now, did he ever live at 4009?—A. I couldn't tell you; what she told me was, he moved a year ago. I suppose he had lived there from her words.

Q. Did she slam the door in your face?—A. She did not.

Q. She was very curt in giving her information?—A. She give it to me right quick; that is all I could get out of her.

Q. She thought you were just unnecessarily taking up her time and bothering her?—A. I don't know about that.

Q. Why wouldn't she give you information if you asked her

politely ?—A. Because there was two or three besides that was around there before I was there.

. And you found that generally to be the case ?—A. Sometimes.

. The people would put you off with any sort of answer, to get rid of you ?—A. I don't know anything about that ; I just put down what I give me.

. Now, what information did you elicit regarding J. B. Connors at North Thirteenth ?—A. I didn't look at no such number at all.

. You didn't look for any such number ?—A. No, sir.

. Did you look for the gentleman ?—A. I looked for him at 3125 North Thirteenth street.

Q. Well, what did you find ?—A. There is no such number.

Q. Then, how could you look for him at that number, if there was no such number ?—A. I went to look for the number and him

. Don't you know that gentleman to be the oldest resident in that locality, living there for fourteen years ?—A. I do not know, sir.

. Did you inquire in the house next to the ice-house, just exactly where he lives, and where the contestee's witnesses found him ?—A. I not, sir.

. When you failed to find that there was a number of that kind, didn't you inquire next door or in the vicinity, and see if you could find an old resident like him ?—A. Because I didn't feel disposed to look for any such gentleman, as long as there was no such number.

Q. That lightened your work considerably, your failing to find the number of that man who was living right at that spot, and been living there for nearly fourteen years ; there or in that immediate vicinity ?

Mr. POLLARD. I object to that question for the reason that the witness has repeatedly stated that he was sent to see whether individuals lived at the particular places designated on his cards and at no other, if they did not live there he ascertained when they had lived there, if they had lived there at what time they removed ; because, as counsel's counsel very well knows, in each instance a man of that particular name given on the card, did register from that number given on the card, and I don't care if he lived in the next house to that stated on the card ; so long as this man registered and voted from a certain number, the gentleman well knows that it makes no difference whether this man did live at any other place.

Mr. DONOVAN. If the counsel's statement of instruction given to this witness is correct, I will ask the committee to ignore his whole testimony, the reason that this witness was brought on the stand to rebut, and rebuttal only, and not to bolster up their case in chief.

In regard to this man, the testimony was that he lived in the same place for fourteen years ; there is no number on the house (that is the testimony for the contestee), but it is the next house north of the ice-house on North Thirteenth street, numbered 3201 and 3203, and it is but a few doors north of this house. This gentleman—this witness—is called on the stand to contradict that statement, and he is not here for this purpose, his testimony, not only in this, but in all other cases, should be stricken from the record.

Mr. POLLARD. We proved in the first instance that this man did reside in this place, or that there was no such place ; the gentleman, in behalf of the contestee, introduces such proofs as he thought proper, which had a tendency, directly or indirectly, to show the man live at that place and was entitled to register from that place ; hav-

ing registered from there and voting the Democratic ticket, now our proof is in rebuttal of that contradiction.

62 At this point a recess was taken until 11.30 a. m. of this day for the purpose of attending a session of the district court of the United States, in which court a motion was pending on behalf of the contestant asking for the production by the city register of the ballots cast in the third Congressional district.

In the matter of Gustavus Sessinghaus, contestant, *vs.* R. Graham Frost, contestee.

To the honorable the circuit court of the United States for the eastern district of Missouri.

Your petitioner, Gustavus Sessinghaus, states that he is contesting with the Hon. R. Graham Frost the right to a seat in the 47th Congress of the United States for the third district of Missouri.

That the evidence to be used in said contest is being taken before Frank Kraft, esq., a notary public within and for the city of St. Louis.

That under the law said evidence must all be taken on and before the 23 day of this April, 1881.

That the proof in this case already taken shows that three hundred (300) and more ballots were received and counted by the various judges of election in said districts on the day of election, viz., Nov. 2, 1880, of persons not entitled to vote. That the names given by said persons casting said ballots, and the numbers of said ballots have been proven before said Kraft as such notary.

That in order to prove for whom said ballots were cast for Congressman, an inspection thereof is imperative, and can be proved in no other way.

That Nicholas Berg, esq., is the custodian of the said ballots.

That he has been subpoenaed to produce the same and permit them to be inspected before the said notary in the said contest.

That he appeared and refused to produce or permit an inspection of said ballots.

That he was thereupon attached by said notary when he again appeared, and again refused an inspection of said ballots, when he was discharged by said notary.

That said ballots are contained in boxes, used in the following named and numbered precincts, viz: No. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 71, 73, 75, 84, 85, 86, 87, 117, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 152, 166, 168, 170, 207, 208, 209, 210, 211, 212, 213, 219, 220, 221, 222, 241, 243.

Wherefore, your petitioner prays your honorable court for an order compelling said Nicolas Berg, esq., to produce before said notary forthwith said ballot-boxes, and to open the same, and grant an examination and inspection of the ballots therein contained.

GUSTAVUS SESSINGHAUS,

By L. S. METCALFE, JR., AND

H. M. POLLARD,

His Attorneys.

F. W. H. Wieseahn, being sworn, deposeth and says, that he is agent for said Sessinghaus, and that the matters and things as stated in the foregoing petition are true.

F. W. H. WIESEHAHN.

Subscribed and sworn to before me this sixteenth day of April, 1881.

[SEAL.]

FRANK KRAFT,
Notary Public, City & Co. of St. Louis, Mo.

Com. expires Mar. 13, 1882.

On the 14th day of January, A. D. 1881, the following proceeding were had and appear of record on said application, to wit:

In the matter of the application of Gustavus Sessinghaus.

This day comes Gustavus Sessinghaus, by Lyne S. Metcalfe, jr., and Taylor & Pollard, his attorneys, and presents to the court a petition for an order on Richard Walsh, register of the city of St. Louis, ordering and directing said Walsh to permit petitioner and his attorneys to inspect and make copies of the poll-books of election in said petition described.

And thereupon the court, being of opinion that the application is premature, the same having been brought before answer to the contest is filed, refuses said application.

And afterwards, to wit: On the 20th day of April, A. D. 1881, the following further proceedings were had and appear of record in said cause, to wit:

In the matter of Gustavus Sessinghaus, contestant, *vs.* R. Graham Frost, contestee.

Now, at this day, comes the said contestant, by Messrs. Pollard and Metcalfe, his attorneys, and present to the court an application for the production of certain records in said application described; upon consideration whereof the court denies said application for want of jurisdiction.

UNITED STATES OF AMERICA,
Eastern district of Missouri, ss:

I, M. M. Price, clerk of the circuit court of the United States, in and for the eastern district of Missouri, do hereby certify the writing hereto attached to be a true copy of application and order denying same *in re* Gustavus Sessinghaus, contestant, *vs.* R. Graham Frost, contestee, as fully as the same remain on file of record in said case in my office.

In witness whereof I hereunto subscribe my name and affix the seal of said court at office in the city of Saint Louis, in said district, this 9th day of November, in the year of our Lord eighteen hundred and eighty-one.

[SEAL.]

M. M. PRICE,
Clerk of said Court.
By A. P. SELBY,
Deputy.

Parties having reassembled, the further proceedings were had in the depositions of this case, as follows:

Mr. DONOVAN. If Mr. Pollard contends that a man who has been living in the same house fourteen years, and the number on his house would be that number, if there was one there at all, but for the reason

it is omitted, he, this gentleman, is disfranchised and not entitled to vote, why of course there will be nothing in this case; but, in the opinion of the contestee's counsel, the mere matter of a clerical error in regard to the number has no weight whatever.

The contestant's case is made up of just such items as these, and in the law the facts upon which he bases his case are *in hac verba* to be ignored.

Mr. POLLARD. Inasmuch as the gentleman desires to waste all our time in speech making I will say no more.

By Mr. DONOVAN :

Q. Well, what did you ascertain in regard to P. J. Connor, 3135 North Thirteenth street ?—A. He was not known there.

Q. Although he lived there for fourteen years ?—A. There is no such place; he was not known there.

64 Q. Now, what do you mean; that there was no such number, or that he was not known there ?—A. There is no such number.

Q. What did you mean by saying that he was not known there ?—A. I don't mean to say that because I didn't inquire; I don't know whether he is known or not.

Q. Well, you didn't inquire at the next house north of the ice-house, where he is living and has been for fourteen years ?—A. No, sir; I did not.

Q. What did you ascertain in regard to C. N. Wilson, 1410 Glasgow avenue, and while you are on it look also for J. Michael and John Bartholomew at that same number ?—A. They left there during October.

Q. Who was it told you that ?—A. A lady told me that at that time.

65 Q. Don't you know John Bartholomew very well ?—A. I don't know whether I do or not.

Q. Didn't you know him to be superintendent of the Cass avenue street-car line, right there in that vicinity ?—A. I don't know anything of the kind, sir.

Q. Why didn't you go over to the stables and inquire for him ?—A. Because I didn't feel disposed; this was not on my card.

Q. And if John Bartholomew himself says that he lived at that place at the time of the election who is to be believed, himself or your informant ?—A. I don't know anything about that, sir.

Q. Who was your informant ?—A. The lady wouldn't give her name.

66 Q. You picked up from some informant there that this gentleman left in October, whereas this gentleman, who occupies a very responsible office in this town, says that he was living there on election day; now, which is to be believed, your unknown informant or this gentleman himself ?—A. I didn't pick up anything about him at all; I asked a lady nearest to that number.

Q. And she gave this information to you ?—A. She told me that he left there during the month of October.

Q. Now, if John Bartholomew says that he himself, J. Michael, and C. N. Wilson, all connected with this Cass avenue car line, lived at that house at and after the election, and then moved elsewhere, do you regard this statement as untrue ?—A. I don't know anything about

67 his statement at all, sir; I never had any conversation with the man at all, sir.

Q. You know the man ?—A. I do not know the man.

Q. He was right there in the vicinity of his office.—A. I didn't inquire there at all, sir.

Q. Well, somebody reported that James Rafe, of 2901 Cass avenue, was not known; I will ask you whether he was or not?

WITNESS. What is the name?

COUNSEL. James Rafe.

WITNESS. 2901 Cass avenue?

COUNSEL. Yes.

A. He left before the election.

Q. Who told you that?—A. A lady told me that.

Q. Was he not a conductor on the street-car line there right opposite at the stables?—A. I don't know, sir.

Q. Is he not on the line now?—A. I don't know, sir, whether
68 he is or not.

Q. Is he not living at that same place now?—A. He is not,
sir.

Q. When you went to inquire for James Moran, did you go to 1118 North Thirteenth street, where he lives, or did you go over the same beaten track of your co-canvassers?

WITNESS. What is his name?

COUNSEL. James Moran.

WITNESS. What number did you say?

COUNSEL. 1118 North Thirteenth street.

Q. Do you now say to me that you never testified in regard to James Moran?—A. I didn't say anything of the kind unless I find it in my memorandum here.

Q. Well, please look, because we are in a hurry here to get through with you.

WITNESS. What is the number?

COUNSEL. 1118 North Thirteenth.

A. 1108 North Thirteenth is here; I went to 1108 North Thir-
69 teenth street.

Q. Why didn't you go to 1118, where the gentleman lives?—

A. Because the card didn't call for that number, 1118; the card calls for 1108, and I went there.

Q. Who gave you those cards?—A. Mr. Wieseahn gave them to me.

Q. I suppose he gave it to you as 1108?—A. He give it to me, and sometimes—I don't know the gentleman's name—that young fellow there, that works with him; Jimmy is his name.

Q. Jimmy who?—A. I can tell you if I heard it.

Q. I don't know who the gentleman is.

WITNESS. Call that gentleman in there; I can tell you; McGruerty, I believe, is his name.

Q. Suppose he had put down James Moran, for 1108 Biddle street, would you have gone there and looked for him when the gentleman lives at 1118 North Thirteenth street?—A. Certainly, I would have gone where the card directed me to go.

Q. Now, where did you find E. D. Mahe, living?

WITNESS. E. D. what?

COUNSEL. Mahe. Was it 1102 Carr?

A. No, sir; E. D. Mahe lives at 917 North Ninth street.

Q. Well, how far is that from 1102 Carr?—A. I couldn't tell you exactly.

Q. Well, about how far?—A. It is very near two blocks, according to my estimation.

Q. Do you swear that you found E. D. Mahe, living at 1102 Carr

street, or 917 North Ninth?—A. I swear that I was told that he lived at 917 North Ninth.

71 Q. Now, don't you well know that there is not any such man living at either place?—A. I don't know anything of the kind.

Q. Do you not know that it is Ed. Maher; that that is his name, and that he lived in the building near 1102 Carr street, and the entrance is from 1102 Carr street, and that he has lived there since last July?—A. I do not know that, sir.

Q. You say that you found E. D. M-a-h-e; you got information in regard to a man at that number that spelled his name in that way. Look at your card and see what your information was; what you asked for.

WITNESS. I am looking at it, sir.

COTNSEL. Go ahead, and don't take all day about it. I will not object to your taking five minutes to read your own writing on a card, but please give me an answer to my question.

72 A. I will just wait till I get ready for to read it out right, so I can explain what I am talking about. I aint going to tell you until I know what I will say.

Q. Well, know what you are going to say, then say it. Are you reading somebody else's writing other than your own?—A. I am reading my own writing.

Q. Why can you not give us this information, when you have the card before you?—A. Because I can't spell well, as I told you before.

Q. Can you spell your own writing?—A. I can spell my own—I can read my own writing, but I can't spell, as I told you before.

Q. How long shall we have to wait for you before you spell the few lines that you see on that card?—A. Till I make it out rightly.

Q. How long do you think that will take you?—A. Well, I couldn't tell you.

Q. Well, take your time now and give us the information?

WITNESS. (Pausing.)

Q. Will you be good enough, since we have now waited for a number of minutes, to pass me the card, so that I can see and decipher it for you?—A. I won't do anything of the kind.

Q. Then either let me do it or do it yourself?—A. I will do it myself; I find here Ed. Maher did live at 917 North Ninth street before the election day.

Q. When you testified in chief did you say anything whatsoever regarding Ed. Maher?—A. I don't remember whether I did or not.

Q. Did you not say that E. D. Mahe was living at that place?—A. I did not, sir.

Q. That is your present recollection?—A. That is my present recollection.

Q. Of your own testimony, delivered about an hour ago?—A. Well, I think it was either yesterday or very early this morning when I testified to this card.

Q. Well, now, did you say that this E. D. Mahe lived at 1907 North Ninth?—A. 917 North Ninth.

Q. Can you tell me which of these statements we are to believe you, that E. D. Mahe lives at 1907 North Ninth or at 917 North Ninth, or that Ed. Maher lives at 907 North Ninth or at 917 North Ninth?—A. I don't know whether it is Maher or Mahe who lived at 917 North

75 Ninth before election day.

Q. Now, when you sought for Andrew J. O'Toole, did you look

r him where the contestee's witness swore that he resided, namely, 10 North Fourteenth street, where there was no number on the house, that he was living at that identical place; or did you look for him somewhere else, going over the beaten track of your cocanvassers?—

Well, I never looked for him at that number, 1010.

Q. Well, when the contestee's witness swore that he resided there, did you were called upon the stand to rebut something that he had testified to, why didn't you go there?—A. I wasn't called upon the stand to rebut nothing; I was called upon the stand to swear to these cards.

Q. Who told you that you had to swear to those cards?—A. Mr.

Wiesebahn told me that I would have to go on the stand and swear to these cards.

Q. So you went to a place where Andrew J. O'Toole never had lived, though you had been informed that he resided at 1010 instead of 1017?

A. I was not informed of anything of the kind.

Q. Well, I suppose you saw Mrs. Somebody there?—A. I inquired at 17.

Q. Who did you inquire of?—A. I inquired of Mrs. Landenbecker.

Q. Did you write that? I thought that you had your tutor and preceptor, Mr. Manning, to write the German names for you?—A. I didn't leave him to do anything of the kind; I swore he spelled them for me, and I wrote them.

Q. Of course they knew nothing about him at that number?—

A. Yes, sir; she knew something about him; he moved to 1323 North Thirteenth, between O'Fallon and Cass avenue, about a year ago.

Q. Did she pretend to say that he ever lived there at 1017, where you were inquiring?—A. She did, sir. Excuse me, it was Mr. Landenbecker.

Q. Did she not tell you that it was 1010?—A. He did not, sir.

Q. Well, if you said Mrs. when you were on the stand before it was a mistake?—A. I said Mr., I suppose, before I said Mrs. just now, and corrected it right off.

Q. I ask you whether you said Mr. before?—A. Well, I couldn't tell you; I think I said Mr., though.

Q. When one of the witnesses for the contestee testified that

John Dugan resided at 1127 North Sixteenth street; that he had been living there for two years past; did you thereupon seek for him at any place else, where he had never lived?—A. I inquired for him at 14 North Sixteenth street.

Q. But did you go to 1127, where the witness for the contestee found him, and where he is now living, and where he has been living for two years past?—A. I didn't go there, because I didn't go to any place except where the cards was numbered.

Q. What information did you obtain at that place?—A. He didn't live there; there is a boy sixteen years old lives there.

Q. What is that boy's name?—A. That man is living in this neighborhood somewhere.

Q. When you were on the stand before you said that there was no man in the house at all; that the only man in the house was a boy sixteen years old; now you suppose him to live somewhere in the neighborhood; how do you reconcile this contradiction?

WITNESS. Didn't I say that before?

COUNSEL. No, sir; you did not. You said that there was a boy at

the house sixteen years old; now did you inquire the name of the boy that was in that house?

A. Yes, sir; the name of the boy was Mr. Dugan.

Q. Living in that house?—A. Yes, sir; living in that neighborhood; I didn't say in the house.

80 Q. Read what you have on your card.—A. He didn't live there; there was a boy sixteen years old living in the neighborhood.

Q. Has that boy got a father, or did he ever have one?—A. I don't know; I didn't inquire.

Q. How did you come to ascertain that there was a boy living in the neighborhood sixteen years old?—A. I asked for John Dugan; they said yes, there was a John Dugan living there. I asked was he the lady's husband; she said no, it was her son.

Q. At 1124?—A. Yes, sir.

Q. Now, will you please reconcile these base contradictions that you are at present making; you tell me that the lady said it was not her husband's name, but was the boy's name, when but a moment ago

81 you stated that there was no lady there, but there was a boy in the neighborhood, sixteen years old, who made that statement?

Mr. POLLARD. I again object to these questions, because the witness has made no contradictory statement, and the gentleman well knows it; he is simply endeavoring to bulldoze the witness, and put words into his mouth that the witness has never said. He is endeavoring with all the power which he has to make the witness stultify and cross himself, and for that purpose he has kept the witness on the stand nearly twenty-four hours.

By Mr. DONOVAN:

Q. Please tell me what you ascertained at 1124 North Sixteenth street, who you saw, and what was said.—A. Well, I told you that the gentleman didn't live there; there is a boy there.

82 Q. Who did you see?—A. I saw a lady by the name of Mrs. Kigg.

Q. What did you say to her?—A. I asked her if there is anybody living at that number; she said not of that name.

Q. Is that all she said?—A. That is all she said until I asked her further.

Q. Well, what did you ask her further?—A. I asked her if she knew anybody by the name of Dugan, and she said there is a boy sixteen years old living in the neighborhood of that name.

Q. How did it come up that there was a boy of that age living in the neighborhood?—A. Because I asked her how old the boy was.

Q. Were you in the habit of asking these particular questions on every opportunity?—A. Most undoubtedly.

83 Q. As to whether they lived in the neighborhood or not?—A. Most undoubtedly.

Q. Then why did you not ascertain in regard to P. J. Connors, an old, respectable citizen, who resided right in the neighborhood where you were asking, and who lived there for fourteen years?—A. Well, no; I was not in the habit of asking that, I would ask that sometimes.

Q. Have you not picked up some cards, and are you not testifying to whatever you see upon them, without ever having gone out to these places?—A. I am testifying to what I heard myself from the parties I went to inquire about.

Q. Well, if you could be so particular in your information as to ascertain the age of some boy that lived in the neighborhood, can you

explain to me why you couldn't ascertain anything in regard to an old and respectable citizen like P. J. Connors, who was living in the same house for fourteen years, right in the immediate locality you were visiting?—A. I don't know anything about P. J. Connors; I was not so particular in that case.

. But you are particular when you want to be particular?—A. Sometimes I was, and sometimes I wasn't.

. And when you went to get information, which in your judgment might do some damage to the contestee, you chose to volunteer, and to be particular in such instances?—A. I didn't know whether it would do any damage or not.

. Do you know what reliance is to be placed upon the woman's statement in regard to the boy?—A. There was no man living there.

Q. Living where?—A. In that neighborhood.

Q. No man whatsoever?—A. No man never lived there; that is what she said.

By Mr. POLLARD :

. You mean of that name?—A. That is what I mean.

By Mr. DONOVAN :

. Do you know John Dugan's mother, or wife, or sister?—A. I do not, sir.

. Or any members of his family?—A. I don't know none.

. Or his father?—A. No, sir.

. Now, do you not know that John J. Laughlin, at 1226 North Fourth street, has boarded with his sister in that house for over a year, and have you accepted somebody else's report, and tried to swear to a different state of facts?—A. I don't know anything of the kind; he was not known.

Q. Did you see his sister?—A. I did not, sir.

Q. Who did you see?—A. I inquired at two or three places around the block there, and I couldn't find anybody that knew anything about him; nobody knew him.

. Did you go to the house and see his sister?—A. I didn't see his sister at all, to the best of my knowledge; I went to the number there; there was a lady there, but she wouldn't give her name.

. And she wouldn't give you any information either, would she?—A. She gave me the information, but she wouldn't give me her name.

. You seem to have been particularly unfortunate, everybody else gave me information; were you polite in your inquiries?—A. Undoubtedly I was; they gave me the information too.

Q. Why did they cut you off so short?—A. Because they were bored by people coming around there.

. Now, didn't Mr. Manning just write it out for you on the back of a card what you have read there, and say that you are safe in swearing to that state of facts?—A. He did not, sir; I wouldn't swear to any of Mr. Manning's writing.

. Although he did spell it for you?—A. He did not, sir; it took us a great deal longer to make the canvass on account of my being such a poor writer.

. Now, did you go to Eighteenth, between Biddle and O'Fallon, to look for William E. Marlow?—A. No, sir; I did not.

. Where did you go?—A. I went to 1227 North Fifteenth street.

Q. Who did you see?—A. I saw Mrs. Dunn.

Q. Who is Mrs. Dunn?—A. She is a lady living there at that number.

Q. What did she tell you?—A. She said he moved during October.

Q. Or November, which?—A. October, sir.

Q. Are you sure that you wrote it right on that card?—A. I am certain I did.

Q. You can spell it out; can you?—A. Yes, sir; I can spell that.

Q. Now, who did you see when you went to inquire for John Summer, of 2025 Biddle street?—A. Well, I seen two or three different parties around there.

Q. Had he ever lived there?—A. I don't know whether he had or not; he is not living there now, and was not on election day.

89 Q. Who informed you of that fact; another Mrs.?—A. Mrs. Dillon.

Q. Was Mrs. Dillon in any way related to the party?—A. Not to my knowledge.

Q. Did it concern her much what information she gave you?—A. It didn't seem so.

Q. What did she say about it?—A. She says he doesn't live here, nor did he on election day.

Q. That is the way she conveyed the information to you?—A. That is not the way she conveyed the information to me at all.

Q. Just tell us what she did say.—A. I asked her if he had lived there and she says no. I says, "How long is it since he lived here? She says, "I don't know him." I says, "Did you know any such party living here in November?" She says, "I didn't." I says, "Did
90 you in October? She says, "I did not."

Q. What sort of a house is that?—A. I couldn't tell you exactly.

Q. Is it a boarding-house?—A. I couldn't say; no; I don't think it is.

Q. Is it a tenement house?—A. I think it is; yes, sir.

Q. Well, you succeeded in finding somebody that didn't know the gentleman, although he lived there for eight months?—A. I succeeded in finding nobody that knew him at all.

Q. You only asked this Mrs. Dillon?—A. That is all that I asked; yes, sir.

Q. And she turned you off there?—A. She didn't turn me off, for I had a pretty long talk with Mrs. Dillon.

Q. Has she got a husband?—A. I couldn't tell you.

Q. What was the long talk that you had with the lady?—A. I am just after going over the talk with her.

91 Q. Now, just tell us what the long talk was?

Mr. POLLARD. I object to that; it is all nonsense; the witness has stated what she stated on this subject, and that is enough.

By Mr. DONOVAN:

Q. Did she know what she was talking about?—A. Well, I don't know whether she was a victim for a lunatic asylum or not; I don't know whether she was crazy or not.

Q. Why didn't you go two or three blocks distant, and ask somebody whether they knew John Summer?—A. I didn't feel disposed.

Q. Wouldn't you have been more successful if you had walked some two or three blocks away?—A. There is a good deal of difference between one block and two or three blocks.

92 Q. Now, she didn't tell you that he had been living there for eight months?—A. No, sir.

Q. But, if the gentleman himself stated that he did, and was living here on election day, who was correct, this Mrs. Dillon or this gentleman?—A. If he had stated that to me, I would have reported it that way, if I could have found him at all.

Q. Now, inasmuch as the contestee's witness testified that John Newell res at 2026 Biddle street, and has lived there four or five years, and lives for Sloan and Stranahan, I will ask you whether you went to that house to ascertain whether that report made to us was true or not?—A. I went to 2023 Biddle street for John Newell.

Q. Why didn't you go to 2026, where the gentleman has been living for years?—A. Because my card didn't call for that number.

Q. Since you were so very particular as to ascertain a boy's age in the neighborhood, why couldn't you ascertain some information regarding this gentleman, who lives just across the street, and has lived there many years?—A. I didn't—well, certainly the reason that I inquired that boy's age was, they said there was a boy there in the neighborhood by that name, and she said he was sixteen years of age.

Q. You were particular enough to inquire the age of the boy in the neighborhood where you were visiting; why did you not inquire for a gentleman that lived immediately across the street from where you are making this last inquiry, and who had lived there for four or five years?

Mr. POLLARD. I object to that question because it has been answered substantially one hundred times by the witness on the stand, who testified that he went to the places designated on his card, to see whether the party lived there, and, if not, whether he lived here on election day, and if he did not live there his vote was a fraud. Mr. DONOVAN. The gentleman's idea of fraud is one that is so ridiculous, that nobody will agree with him in regard to that opinion. But the necessities of his case demand that these should be frauds. (To the witness.) Now answer the question.

WITNESS. Well, what was the question, if you please?

Q. I say you were so particular as to inquire the age of a boy in the neighborhood, when you were not asked to inquire the age of anybody; now, you were sent out to seek this gentleman, and he lived for years right opposite the number you were inquiring at, why could you not find out something about him?—A. Because I didn't try to inquire; I only went where my card said I should.

Q. You didn't want to find him?—A. I wanted to find him at that number.

Q. But when your attention was called to the fact that a witness for the contestee had sworn that he lived at 2026, and you were put upon the stand to rebut his statement, why did you not endeavor to elicit information that would be something in the nature of rebuttal?—A. I was not put upon the stand to rebut anything, to my knowledge, but swear to these cards.

At this point a recess was taken until 2 p. m. this day.

2 P. M.

Cross-examination of Mr. PATTERSON resumed.

By Mr. DONOVAN:

Q. Where did Charles Redfern live on election day?—A. He lived 703 O'Fallon street.

Q. Who told you that ?—A. Mrs. Grone, or Mr. Grone rather.

Q. Where did you make the inquiry ?—A. I made the inquiry at that number, or near about there ; I couldn't exactly tell which.

Q. What is the number which you have on your card that you were directed to inquire for ?—A. 2019 Division street.

Q. How far is that from 703 O'Fallon ?—A. Well, I couldn't exactly tell you what distance.

Q. How did you come to make inquiry at 703 O'Fallon ?—A. I didn't make any inquiry there at all.

Q. Where did you make it ?—A. I made it at the number, 2019 Division.

Q. And what was said to you ?—A. He lived on election day at 703 O'Fallon street.

Q. A lady informed you of that ?—A. No, sir ; a gentleman informed me of that.

Q. Did you inquire at 2018 Division street for him, where the contestee's witness found him ?—A. I did not, sir.

Q. You never went across the street to see the gentleman ?—A. No, sir ; I just went to this number, and they told me that he lived at 703 O'Fallon street.

Q. Well, where does Mr. Costello live ? Hurry up ! Hurry up !—A. I don't know where Mr. Costello lives, Mr. James R. or Francis R. Costello ; Francis Costello lives on Twenty-first, between O'Fallon and Cass avenue.

98 Q. Where did you find Mr. Smith living ?—A. He lives at this number.

Q. What number ?—A. He lives at 2124 Biddle street.

Q. Well, he was well known, was he not ?—A. Well, I couldn't say.

Q. But you found him ?—A. I found him ; yes, sir.

Q. Now, when did they inform you that Michael Kenny moved from 2212 Division street ?—A. The 5th of October.

Q. The 5th of November ?—A. No, sir ; 5th of October.

Q. Who told you so ?—A. Mrs. Judy ; no, Mrs. Grady, rather.

Q. What did she say to you ?—A. I asked her if she knew him, or any such man as Kenny, Michael Kenny ; she said she did ; he moved the 5th of October.

Q. She did that without any suggestion from you, stating the date at once ?—A. Exactly ; at once. I asked her how long it had been ; she said she thought it was the 5th of October. She said she knew that it was in October, any way.

Q. Do you know where he moved to ?—A. I don't know.

Q. She didn't inform you that he moved late in November to Butcher Town ?—A. She did not, sir.

Q. If she made that statement previously to another gentleman that visited the place, in which statement have you the most confidence ?—A. In my own, sir, most assuredly.

Q. Was she any relative of Michael Kenny, or did she know him ?—A. She knew him.

Q. Was she an acquaintance of his ?—A. She must have been, or she wouldn't have known when he moved.

100 Q. Well, did she seem to know the man well, or were there others there that knew him better ?—A. I didn't inquire from anybody else ; she knew the gentleman.

Q. And she fixed the day positively as the fifth day of October ?—A. She said the fifth ; she was not sure ; but it was in October some time any way.

Q. This is as close as she came to it?—A. This was as close as she could come to it; she knew it was in October.

Q. Now, did you not find that Michael Holly, 2116 O'Fallon street, lived there for two or three years, but moved from there on the fourth of last month.

WITNESS. Michael who?

COUNSEL. Michael Holly.

A. He didn't live there; the people around there didn't know him.

Q. You couldn't obtain the information that he had been residing there for two or three years, and left on the 14th of last month?—A. I could not, sir.

Q. You were simply content with the information "not known?"—I have got a witness's name to the information, sir.

Q. Who is the witness?—A. Mrs. Vollmer.

Q. What does she know about him?—A. Well, she lives at that number.

Q. How long has she been living there?—A. Well, she had been living there for fourteen or fifteen months.

Q. Did she tell you so?—A. Yes, sir.

Q. Did you ask her?—A. Yes, sir; I did, for a fact.

Q. Now, state what conversation occurred between you and her.—

A. I asked her; she said there had been a dozen men hunting for that man, and asking for him; he didn't live there.

Q. She put you off in that way?—A. Yes, sir.

Q. Now, did you go to the northeast corner of Twenty-second and Mission street and inquire for J. E. Byrnes, who moved to that place on 2107 Carr street on the sixteenth of December last?—A. I did,

Q. And you found that out?—A. He moved eight months ago.

Q. Where did he move to?—A. I don't know.

Q. Why didn't you get precise information like this when you went to look for a man?—A. I didn't try to get any information where he went to.

Q. People didn't seem to care what information they gave you. The man moved from there in December, and the place to which he had moved was right in the immediate vicinity; why didn't you try to ascertain the particulars?—A. A gentleman told me he had moved eight months ago.

Q. You would take down any statement that anybody would tell you?

A. Anybody living at that number, certainly.

Q. Do you know how long the person was living in that house?—A. I couldn't say.

Q. Did you ask him?—A. No, sir; I didn't.

Q. Wouldn't that be one way of ascertaining?—A. Yes, sir; that would be one way of ascertaining.

Q. Why didn't you adopt that simple way?—A. I didn't do it just at that time.

Q. Now, did you go to the corner of Twenty-second and Biddle street to inquire for Michael Hickey?—A. Well, he was not known there.

Q. Which corner did you go to?—A. I went to the corner of Twenty-second and Biddle where the number was.

Q. There was no number on the corner whatsoever; which number did you go to?—A. I went to the number on the card.

Q. There isn't any number on the card?—A. Yes, sir; yes.

Q. What number is on your card?—A. Twenty-second and Biddle; inquired at the grocery store.

Q. What number is on the corner—is on the card—is my question?
—A. Twenty-second and Biddle.

Q. Is there any number on the house—of the house on that card?—
A. No, sir; there is not.

Q. Why did you say that you had a number?—A. I went, according to the card, to the corner of Twenty-second.

Q. Now, I ask you which corner?—A. On the northeast corner; the grocery store.

105 Q. Now, be very sure which corner you went to?—A. Northeast corner.

Q. Who did you see there?—A. The grocery-store keeper.

Q. What did they tell you?—A. He didn't know him.

Q. What was the grocery keeper doing at that time; packing up sugars?—A. No, sir; he was not doing anything.

Q. Don't you know Michael Hickey personally?—A. I do not, sir.

Q. Don't you know that he still lives on the corner of Twenty-second and Biddle?—A. I don't know the gentleman at all.

Q. Don't you know that you never went to the northeast corner of Twenty-second and Biddle, or the southeast corner either?—A. I don't know anything of the kind, sir; I went to the northeast corner.

106 Q. Why didn't you go upstairs?—A. Because the grocery keeper there is sufficient evidence for me, I should think.

Q. You knew that nobody lived in the grocery room?—A. Well, I inquired for upstairs; I inquired if he knew anybody living around there at either corner.

Q. Well, now, that is all you said to the grocery-keeper, and all that he said to you?—A. Well, I went in and asked the grocery-keeper if he knew any man by such a name anywheres around the block there, or on any corner, and he said he did not. I says, did you ever know anybody by that name around here; he said no.

Q. What is the first name of this Hickey that you know so well as an intimate acquaintance, and one that gave you so much information?

—A. I don't understand what Hickey you mean.

107 Q. You testified yesterday to Mr. Hickey having given you plenty of information, now what relation is Hickey to you?—A. You mean John Hickey; he is no relation, to my knowledge; I don't know whether he is a relation of theirs or not.

Q. Why didn't you ask John Hickey in regard to his brother Michael?—A. It would be a queer business to go from Main street up to Twenty-second.

Q. Since he was giving you so much information, you might have asked in regard to a man of his own name.—A. He was only giving me information of men in his own tenement houses.

Q. Well, I don't suppose you inquired on Division street for the same man?—A. No, sir; I did not, to my knowledge.

Q. Now, when was A. Hilderbrant ejected from 2207 Biddle
108 street; he being a good Republican, you ought to know that fact.—A. Well, I am not a Republican myself; I don't know that I ought to know anything about that man.

Q. Well, when was he ejected from that house?—A. Moved about seven months ago.

Q. Well, about seven months ago is mighty close down on the election, and we want to know what your "about" means there?—A. That is all the information I got there; that is all the information I got about it.

Q. That is as close as you can come to it?—A. That is as close as I can come to it.

Q. You don't pretend that is accurate?—A. I don't understand you.

Q. You don't pretend that that is accurate information; that
109 "he moved about seven months ago?"—A. I don't understand what you mean by accurate; I am a very poor scholar myself; I don't know what you understand by accurate.

Q. Correct.—A. That is the information I got; I don't know whether it is correct or not; I got it from parties living there.

Q. How long before the election did John Fitzgerald remove from 2435 Biddle street?—A. Well, I couldn't tell you how long; he moved before the election; that is all I know.

Q. Then, about how long?—A. I couldn't say.

Q. Who gave you the information?—A. Mrs. Delaney.

Q. What did Mrs. Delaney say?—A. She said he moved before the election.

Q. Is that all she said?—A. That is all.

Q. How did she know when the election took place?—

110 A. Well, I couldn't tell you that.

Q. She is another of the third Congressional district ladies that keeps posted as to the dates of election?—A. I don't know. I suppose she is a Democrat.

Q. And, therefore, keeps well posted in regard to elections, and is as well posted when they occur as she is in regard to the affairs of her household?—A. I don't understand that. That is all that she said to me; that he moved before the election; yes, sir.

Q. You didn't stick that in her mouth?—A. No, sir; I didn't.

Q. And you can't tell whether it was an hour or a month?—A. I couldn't say whether it was a minute, an hour, or a month; no, sir.

Q. You do know that, don't you, but don't see fit to tell?—A. I don't know anything about it.

111 Q. Well, October is a convenient month to move voters away from their houses, so you found that John Siblin moved in that month from 2315 Division street, or did you find that he moved away from there in the latter part of November, 1880, and moved to Spring and Cass avenue?—A. He moved the twenty-fifth of October.

Q. You have got that down to a nicety.—A. I have got it down from the witnesses' mouths.

Q. Was it Mrs. Maloney that gave you this information?—A. It was Mrs. Maloney, I guess.

Q. She had it in her diary as to when her neighbor moved?—A. I don't know, sir.

Q. You didn't suggest it at all to her?—A. No, sir; I asked her what time in October; that is all I could suggest to her.

112 Q. That is all that you suggested; you simply asked her what time in October?—A. And she said he had moved in October, and I asked her what time in October.

Q. And so she very accommodatingly gave you the date?—A. Twenty-fifth of October; yes, sir.

Q. A matter of a month or so was a subject of indifference to these people that were giving you this information?—A. I don't know anything about that.

Q. Didn't anybody live at 1330 North Fourteenth street; anybody by the name of Matthew Nolan?—A. Don't live here.

Q. Inasmuch as witness for the contestee testified that Mr. Matthew Nolan lived at 1331 North Fourteenth, why did you not have the en-

Q. What number is on the corner—is on the card—is my question?
—A. Twenty-second and Biddle.

Q. Is there any number on the house—of the house on that card?—
A. No, sir; there is not.

Q. Why did you say that you had a number?—A. I went, according to the card, to the corner of Twenty-second.

Q. Now, I ask you which corner?—A. On the northeast corner: the grocery store.

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Q. Well, about seven months ago is mighty close down on the election, and we want to know what your "about" means there?—A. That is all the information I got there; that is all the information I got about it.

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Q. Correct.—A. That is the information I got; I don't know whether is correct or not; I got it from parties living there.

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25 Biddle street?—A. Well, I couldn't tell you how long; he moved before the election; that is all I know.

Q. Then, about how long?—A. I couldn't say.

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Q. Didn't anybody live at 1330 North Fourteenth street; anybody by the name of Matthew Nolan?—A. Don't live here.

Q. Inasmuch as witness for the contestee testified that Mr. Matthew Nolan lived at 1331 North Fourteenth, why did you not have the en-

113 ergy to step to that house and inquire whether that report was true or false?—A. I don't know nothing about that party, but I inquired at 1330 North Fourteenth street and found that he didn't live there.

Q. Why didn't you go to 1331 where he does live?—A. I had no business to call any place, except the number on my card.

Q. Well, now, I presume, in searching for Mr. Moran you found that the gentleman was known, although the sworn testimony of some of your brother canvassers here is that he is not known. What is your information regarding Mr. Moran?

WITNESS. Which Moran is it?

COUNSEL. 1609 O'Fallon street.

WITNESS. What is his name?

COUNSEL. James Moran.

A. He moved the 17th of October.

Q. You have got that down to a nice point. Now, that was exactly the 17th of October?—A. That is the information that I got.

114 Q. Well, a witness that is as creditable as you are, and who left the stand yesterday, swore that this party moved in September; you aint both correct, are you?—A. I didn't swear anything of the kind.

Q. I don't say you did, but Mr. Krauss, who was on the stand yesterday, said that this man moved in September.—A. I have got nothing to do with Mr. Krauss.

Q. And our witness swore that the man moved in December?—A. I have got nothing to do with Mr. Krauss.

Q. Now, do you suppose that any of this information that was given to either of you is worthy of consideration for one moment, since here are three different reports from the same house?—A. I don't know whether it is from the same house or not.

Q. And two of these are from the contestant's own witnesses.
115 —A. I don't know anything about that; that is the information that I got, that the man moved on the 17th of October.

Q. But nobody has placed it as nicely as you have. Who did you get that information from?—A. I got that from Mrs. Scheckmann.

Q. She turned to her diary and gave you the date?—A. Yes, sir—she didn't turn to no diary.

Q. Now, don't you know that you didn't get that from Mrs. Scheckmann?—A. I say I did get it from Mrs. Scheckmann.

Q. Do you swear that you got it from Mrs. Scheckmann?—A. I do, sir.

Q. Now, don't you know that you swore on this stand yesterday that you got that from Mrs. Sheehan?—A. Mrs. Sheckmann.

Q. Spell out your card.—A. Sochman.

116 Q. Why did you say Sheehan when you testified yesterday?—

A. I did not say Sheehan.

Q. Now, you couldn't find Mr. Carroll, at 1412 North Eighteenth street, where the witness for the contestee found him, and where they were given the information that the man was born and raised there?

WITNESS. What Mr. Carroll are you alluding to?

COUNSEL. Jeremiah Carroll.

A. I haven't got him, I don't think; I have got James Carroll, junior, here.

Q. Read your card.—A. James Carroll, jr.

Q. Read the information on it.

WITNESS. Never mind that, I want to read the information so that I can tell you about it.

Q. Who told you about Jeremiah Carroll?—A. Well, I haven't got that.

Q. Did you not testify in chief that Jeremiah Carroll lived there?—A. No, sir; not to my knowledge, I didn't; I don't think I have got any such card.

Q. Will you be good enough to pass over your cards to me?—A. I will not.

Q. Don't you know that it will give you the lie if you should give those cards to me, and it is for that reason that you will not pass me the cards?

WITNESS. There, I will give you the card; you don't want to look at Jeremiah, you want to look at the bottom, that is what you want to look at.

Q. Now, didn't you testify in chief that Jeremiah Carroll lived at that particular place?—A. No, sir; I did not.

Q. Now, that is just about as true—

WITNESS. (Interrupting.) It is James Carroll; I have got that here; there is no Jeremiah Carroll here.

Q. What have you got to say about it?—A. If you want that I will tell you what I have got here; there is no James Carroll lives at 1412 or 1413 North Eighteenth street.

Q. Who lives there?—A. A James Carroll lives at 1412 North Eighteenth street, that is where he does live.

Q. That is where he does live then?—A. He doesn't live at 1413.

Q. And was born and raised there?—A. I don't know nothing about that, about his being born and raised there.

Q. Now, who wrote that on the back of that card?—A. I wrote that here, sir; I made a mistake of that 1412, putting it down that he didn't live there, that is all.

Q. You will correct your testimony now and say that he does live there?—A. He lives at 1412 North Eighteenth street; that is Jeremiah Carroll.

Q. Well, please go over it again, as much as you can, and give us a somewhat definite statement in regard to the matter.—A. There is no James Carroll lives at either 1214 or 1412 or 1413 North Eighteenth street.

Q. But Jeremiah Carroll does live at 1412?

WITNESS. Hold on now; hold on; yes; Jeremiah lives at 1412.

Q. Now, when I asked you for that card on which Jeremiah Carroll's name and address were written, why did you pass me over another card?

A. Because Jeremiah Carroll's name is not there.

Q. That was not the card you handed me?—A. No, sir; I know.

Q. You knew the entries that were on the back of the other card?—

A. I did not know it, sir; I overlooked it; that was all.

Q. Why didn't you read that card?—A. Because I didn't see it; I didn't notice until I looked for it myself.

Q. You ain't endeavoring to conceal anything in this case?—A. No; not at all.

Q. I thought not.

WITNESS. Well, I am not: I am going on the cards that I have got here with the name and address on; the name should be correct. I can't say anything more.

Q. Now, did you not find that Patrick Fitzmorris, of 1418 North eighteenth street, was now living on the east side of Seventeenth

street, between Cass avenue and O'Fallon?—A. Yes, sir; I did. He moved two years ago to the east side of Seventeenth, between Cass avenue and O'Fallon.

Q. Let us see, now, if we can't get some more Jeremiah Carroll testimony in regard to Jerry Savage, Eighteenth and O'Fallon; 121 who does live there?—A. He never lived here.

Q. There is no Mr. Savage lives there?—A. No, sir.

Q. None at all?—A. None at all.

Q. Will you let me see that card?

Mr. POLLARD. No, sir.

By Mr. DONOVAN:

Q. Did you not testify that Mr. Savage lives there?—A. No, sir; I think not.

Q. Well, 1410 North Eighteenth street is right there on the corner, or just a door or two on this side of Eighteenth and O'Fallon?

Mr. POLLARD. If you don't know just say so.

WITNESS. I don't know; I haven't got a card for it.

By Mr. DONOVAN:

Q. So you were not able to find Mr. Savage there at 1410?—A. No, sir.

Q. North Eighteenth street?—A. No, sir.

122 Q. Although Mr. Krauss, your brother canvasser, found him there, and swore that he lived there?—A. He has got nothing to do with me.

Q. You were not as industrious as Mr. Krauss was?—A. I can't understand what report he made.

Q. Now, Mr. G. E. Walsh, of 1328 North Sixteenth street, lives where?—A. He don't live there.

Q. Where does he live?—A. I don't know; I couldn't find out.

Q. Now, did Pat. Boyle ever live at 1418 North Eighteenth street? One of the canvassers reported the gentleman as not known.—A. Mr. Boyle lived there.

Q. How long had he been living there; twenty years?—A. He had been living there for some time.

Q. Now, I presume you haven't been very diligent in finding out something in regard to the duty that you were sent there to dis- 123 charge, and therefore you did not get any information other than what you have stated in regard to this man Boyle?—A. He is a blind man; didn't vote on election day.

Q. Didn't you see him ready to testify regarding that matter himself?—A. I did not, sir.

Q. Is not he the best judge as to whether he voted or not?—A. It is himself that told me.

Q. Did he tell you in this place?—A. No, sir; at this house he did.

Q. Didn't you see him in this place day before yesterday?—A. No, sir; I didn't see him here day before yesterday.

Q. He volunteered the statement that he didn't vote on election day?—A. He did.

Q. Or did you get that from your bosom friend, Mr. Manning?—A. I got that from Mr. Boyle himself.

124 Q. Mr. Manning went with you when this information was obtained?—A. Yes, sir.

Q. Mr. Manning spelled that out for you on your card?—A. He didn't have to spell Boyle. I can generally spell Boyle myself.

Q. How do you spell Boyle?—A. B-o-y-l-e; furthermore, I always ask the witnesses how they spell their names; that is another thing.

Q. And you generally get the information?—A. Yes, sir; certainly.

Q. Although all the women refused to give you their names, and most of them slammed their doors in your face?—A. I didn't say that most of them slammed their doors in my face. I said that some of them did.

Q. Well, now, did you not find that Patrick Reardon, who was reported as "not known" by one of your brother canvassers, has been living for over four years at 1420 North Eighteenth street, 25 and has been living in that neighborhood for a great many years?

—A. I found that Patrick Reardon lived on election day at 1814 Fallon street.

Q. Well, that is in the same block with 1420 North Eighteenth street, isn't it?—A. I don't know.

Q. Well, you are very familiar with the streets?—A. I am not any so familiar in that part of town; that was a good ways up.

Q. Now, the witness for the contestee swore in regard to Mr. Patrick Leahy that he had lived at 1414 for over twenty years; your brother canvasser reports him as not known. Now, to what extent do you bolster up your brother?—A. I aint got nothing to do with that either; that aint got nothing to do with me. I am swearing to these cards, 26 and not to my brother canvasser. I aint got nothing to do with that.

Q. Answer my question.—A. I don't know anything about it; that is the answer.

Q. Did you go to 1414 North Eighteenth street, where Mr. Leahy has lived for twenty years, and ask him?

WITNESS. Didn't you ask me for Patrick Reardon?

COUNSEL. I passed that by long ago.

A. No, sir; I went to 1420 North Eighteenth.

Q. Why didn't you go to 1414, where the man is living, and has lived for a generation?—A. I didn't know to go there; my card called me to 1420 North Eighteenth street.

Q. Now, couldn't you find John Carroll, Mullanphy row, between nineteenth and Twentieth?—A. John Carroll lives at 2109 Division street.

27 Q. Did you go to the rear of Mullanphy row and inquire for that gentleman?—A. I did not, sir.

Q. Did you go to the front?—A. I went to the front.

Q. When the witness for the contestee swore that he lived in the rear, that he found him there, why didn't you go to the rear?—A. I didn't know nothing about that; I was told that he lived at 2109 Division street.

Q. Now, did you not find James Dillon at 1420 North Twenty-third street, where he has been living for two or three years, and very conscientiously reported by a brother canvasser of yours that he was not known at all?—A. He moved in 1880. I don't know where to.

Q. He was known then, was he?—A. Yes, sir.

Q. So your brother canvasser was mistaken?—A. I don't know 28 anything about that at all, sir.

Q. Well, Christmas day was in 1880, was it not?—A. I believe it was, sir.

Q. Is that the only information that you have got about the man, that he moved in 1880?—A. Yes, sir.

Q. Can't you say what month?—A. No, sir. Oh, excuse me, it is August, 1880; I made a mistake.

Q. Now, if you were only good enough to know what you are testifying about you would oblige me very much. The testimony that you gave when you were on the stand before was that he moved in 1880, and you confirm it now, but you find it convenient to recollect now that he moved in August, 1880?—A. I find it convenient that I skipped the date; that is all, nothing else.

Q. Although you have sworn to the matter twice before?—
129 A. I have not, sir.

Q. Didn't you swear to that when you were asked by Mr. McCaffe?—A. Yes, sir.

Q. And didn't you swear to it just now?—A. Yes, sir; just now I swore to August, 1880.

Q. Your recollection is just as good upon that subject as it is upon any other subject—what you swore to twice regarding this same man?—A. I swear to the name that is on the card, the way it is wrote.

Q. You will swear by the man that wrote the card?—A. I will swear by the card, as I wrote the card myself.

Q. Now, when a witness for the contestee went to the house of Mr. A. T. McAllister, 2119 O'Fallon street, he was politely informed that the gentleman had lived there, but had moved away on the tenth day
130 of November, 1880. Now, couldn't you shorten that time some way or other?—A. He moved on the tenth of October.

Q. You have discounted a month on that?—A. I haven't done anything of the kind, I wasn't discounting anything, I was told that; I never discounted anything; I was told that he moved on the tenth of October, and put it down.

Q. Well, Mr. McBride was not known at 1223 North Twenty-first street; is that correct? At least one of your brother canvassers reported that he was not known by anybody at all in the neighborhood.—A. Yes, sir; he was known, but he moved during October.

Q. Was that the tenth of October this time?—A. It don't say.

Q. I presume Mrs. Somebody gave you this information?—A. Yes, sir.

131 Q. Mrs. who?—A. Mrs. Kelley.

Q. Mrs. Kelley, of course, turned to her diary and ascertained that fact?—A. I don't know anything at all about her diary or diarrhea, whatever you call it.

Q. Well, now, couldn't you manage to move P. Ryan from 2520 Cass avenue a month earlier than October?—A. Yes, sir; he moved in September.

Q. Well, did you go to the rear of those premises?—A. Went to the front part of the store.

Q. Why didn't you go to the rear?—A. Well, I supposed the people in the front should know the people that lived in the rear, if they had lived there any time.

Q. When you went to inquire for Michael F. Lyons, did you go to number 2714 Sheridan avenue, where he has been living for the
132 past three years, as testified to by a very reputable gentleman on behalf of the contestee?—A. I think not, sir.

Q. Why didn't you go there?—A. Because the number didn't call for that.

Q. Well, you went to some other house where it has been proven that he did not live?—A. I went to the east side of Twenty-fifth street, between Division and Cass avenue.

Q. Did you get that information from Charles F. Pohlman?—A. No, sir; I think not.

Q. Who did you get it from?—A. Mrs. Grogan.

Q. Aint Pohlman's place right there in the vicinity?—A. I don't know anything about it.

Q. Don't you know a Mr. Pohlman, the president of the Republican central committee, that was recently presented with a cane for electing a Republican mayor to this city?—A. I know nothing about Mr. Pohlman's place, except that he has a place on Fifth and Carr.

Q. Don't you know that grocery man up there who is a central committeeman?—A. He has got nothing at all to do with the central committee.

Q. Mr. Pohlman has not?—A. No, sir; no, sir; not this grocery seper; the president of the central committee is a man that owns the stables on the corner of Fifth and Carr.

Q. Do you know Charles F. Pohlman?—A. I don't know none of their names, by their first names; I know the two Pohlman brothers that keeps the stables.

Q. Now, didn't you inquire from this same Mr. Pohlman for this Glasgow place man?—A. I don't know whether I did or not, until I look over my memorandums.

Q. Do you know so little about Mr. Pohlman that you have got to look all over the memorandum to recollect a single fact like that that everybody in the room recollects?—A. I don't swear to nothing except what I have got on my card.

Q. And your preceptor helped you to write those cards?—A. No, sir; I wrote them myself.

Q. But they are in three different handwritings?—A. No, sir; they are not; they are all in one handwriting.

Q. Now, did you go to 2117 Division street, and inquire for John Maloney, or did you go to some other place, where he didn't live?—A. John Maloney; I went to the corner of East Twenty-eighth and Dickson streets.

Q. You went to a place where he didn't live?—A. No, sir; he didn't live there. Yes, sir; I went to a place where he didn't live.

Q. Well, did Mat. Dee die two years ago, or did he leave two years ago that house, Twenty-sixth, between Cass avenue and Dickson street?—A. Mathew Dee, he left two years ago.

Q. Where did he go to, next door?—A. I couldn't tell you.

Q. You were not interested in tracing him up?—A. No, sir.

Q. What did you report in regard to Michael Sheridan, on the south side of Cass avenue, between Twenty-third and Twenty-eighth.

WITNESS. Between Twenty-third and Twenty-eighth?

COUNSEL. Yes, sir.

A. That is a big long distance; I have got it here between Twenty-seventh and Twenty-eighth.

Q. Haven't you got it wrong?—A. I don't know; there is no such number.

Q. Don't you know that it is Twenty-third street on one side, and Twenty-eighth on the other side?—A. I don't know anything of the kind, sir.

Q. Well, what is your report?—A. My report is there is no such number.

Q. No such number; what do you mean by that?—A. There is no house there; it is a vacant lot.

Q. Now, when you were not in any house, and couldn't find any such

house, why do you report no such number when you have just stated that you couldn't find any such place?—A. I have got the number here.

Q. Do you mean to say that there isn't any Twenty-eighth street, or do you mean there isn't any Twenty-third street?—A. I mean to say there aint any such number between Twenty-seventh and Twenty-eighth; there is no such number.

Q. But when the witness for the contestee testified that there was no house numbers along there, but the man had been
137 living on that block for the past nineteen months, why didn't you seek him?—A. Well, there is a lot there on that corner.

Q. Why did you not seek him?—A. I couldn't find him; couldn't find anybody that knew him.

Q. You merely found that there was no such number, and you wrote that on your card and then skipped off?—A. I couldn't find him; that was all I wrote.

Q. You have got on the card "No such number?"—A. No such number, and I couldn't find him. Let me see that card again; I made a mistake.

Mr. POLLARD. No you didn't; that is right.

WITNESS. No such number, and can't find him.

By Mr. DONOVAN:

Q. Well, I suppose that you could not find John Walsh; he has lived at house number 2421 Dickson street for the past fifteen
138 years, because you were directed to Dickson, between Twenty-seventh and Twenty-ninth?—A. I was directed to Dickson street, between Twenty-seventh and Twenty-eighth street, or Twenty-fifth, between Dickson and Cass avenue.

Q. Now, did you go to the house where that witness for the contestee found him, 2421 Dickson street, where he had been living for the past fifteen years?—A. I asked around there, but couldn't find nothing out about him.

Q. And where the lady showed the witness her tax bills for years past upon the house?—A. I couldn't find no one at all.

Q. A person that has lived in that neighborhood for fifteen years is a very dull man if he is not known to his neighbors, if it is so very hard to learn anything about him?—A. I should think everybody around the street should know him if he lived there that long.

139 Q. Well, he didn't live there, since you say he didn't?—A. I couldn't find him.

Q. And you exerted the same degree of diligence in that as in other cases?—A. Yes, sir; I did.

Q. And your report on this case is just about as good as it is on the balance of these cases?—A. My report is to the best of my knowledge.

Q. Well, how about Richard Doe, east of Twenty-eighth and Cass avenue; did you not find that he had been living there since August, 1880?—A. I think not, sir;—he is not known there.

Q. You didn't make that report when you were first asked about Doe?—A. Yes, sir; I did, sir; if that is Richard Doe.

COUNSEL. That is the man.

A. That is the report I made.

140 Q. And you think that is the same report that you made about him when you were first asked by Mr. Metcalfe?—A. Yes, sir; I couldn't make any other report, except what is on the card, and I wouldn't make no other report.

Q. Now, there is another interesting gentleman by the name of John Leehan, whom the contestee's witness found living in the rear of 2445 Dickson street, and who had been living there for the past fifteen years; I presume that you were unable to ascertain any information in regard to him?—A. I couldn't find him at all.

Q. The longer a man lived in the neighborhood the less you could ascertain about him?—A. Well, I don't know; I found out all I could find out.

Q. Now, why didn't you find that man when you have been directed by the testimony of the contestee to go to 2445, where he had
41 been living, and where you could find the gentleman, and where he has been living longer than any other man in that neighborhood?—A. I was not directed by nobody, only by these cards.

Q. Well, where were you looking for this man, at the corner above?

—A. On Dickson street, between Twenty-seventh and Twenty-eighth.

Q. Now, that is the way these numbers run—2445 is right on the lock there?—A. He is not known there.

Q. Will you please write for me on this piece of paper the name of Gustavus Sessinghaus?—A. I can't write it.

Q. I ask you now politely to write on that sheet of paper, which I furnish you, the name of Gustavus Sessinghaus?

Mr. POLLARD. I object to that question, and instruct the witness he needn't do so unless he sees fit.

By Mr. DONOVAN:

42 Q. Do you refuse to do it?—A. I do for a fact.

Q. Why?—A. Because I don't think it has got anything to do with the case at all. I aint come up here as a copy-writer.

Q. It will not cause you any effort to write for me on this piece of paper the name of Gustavus Sessinghaus?—A. I will not write it.

Q. You refuse to do it?—A. I do, sir.

Q. Will you please read for me that sentence? (Handing book to witness.)

WITNESS. I don't want to be kept here on the stand all day.

Mr. POLLARD. I object to the question asked the witness.

Mr. DONOVAN. (To the witness.) It will cost you but a moment to read for me from this book that sentence of three lines.

Mr. POLLARD. I object, for the reason stated; before, further-
43 more that he has been kept here on the stand now since yesterday afternoon.

By Mr. DONOVAN:

Q. Do you refuse to do it?—A. I do; yes, sir. The man objects; I refuse.

Q. Do you think you can do it?

Mr. POLLARD. You needn't answer that question.

By Mr. DONOVAN:

Q. Why do you refuse to read that?—A. Because I don't want to stay here all day.

Mr. DONOVAN. I told you that I am through with you, except the writing of the name Gustavus Sessinghaus and the reading of those three lines on that printed book.

A. I will not do either.

Q. Do you refuse because your tutor and preceptor, Mr. Manning, with the bad eye and the blue spots, is not here to assist you?

44 Mr. POLLARD. I object to the question, because it is insulting

to the witness. The counsel has endeavored from the beginning of the rebuttal in this case to browbeat, to frighten, to maltreat in every conceivable way every witness whom we have put on the stand.

By Mr. DONOVAN:

Q. Did you not state in your testimony that you took Mr. Manning with you in your journeys, and he assisted you in the spelling of words?—A. I stated that he was hired with me to go and make the canvass, and he told me how to spell the words; that is what I stated—words that I didn't know.

Q. Well, he is not here just now, is he?—A. No, sir; he is not here.

Q. If he was here would you be good enough to write and read for me, as requested?—A. I would not.

By Mr. POLLARD:

145 Q. Mr. Patterson, I desire to ask you a question or two. I want to ask you, Mr. Patterson, whether in one single instance, in this examination, you have given any testimony of any fact from any source, except from your own personal observation and investigation?—A. No, sir, I have not; if I understand you right.

Q. I want to ask you if in using the memorandum which you have used, which appears on the back of the cards which you did use, you in every instance used memoranda which was made by yourself, and at the time the investigation was made?—A. Yes, sir.

Q. I will ask you whether or not you have received from Mr. Manning, or Mr. Manion, any of the facts which you have testified to here, with the exception of the, in some instances, obtaining from him the method of spelling names?—A. Well, I did get names from
146 him that I couldn't spell exactly right. I asked him how to spell them.

Q. Is that all the assistance that you had from him?—A. That is all the assistance I had from him.

By Mr. DONOVAN:

Q. And although he was over this same ground, you never asked him for the information that he obtained?—A. I wouldn't take it from him.

Q. And you never asked him for it?—A. I never did ask him.

Q. And the path you traveled over was the path he had been over before you—the same ground as yourself?—A. I don't know whether he had or not. He said he has been over some of the ground.

Q. Just before you went on the stand were you not in that corner of the room over there, with four or five people around
147 you handling your cards?—A. Nobody handled my cards.

Q. Were you not in that room over there, in that corner, with four or five people around you, examining these cards?—A. No, sir.

Q. And before you went on the stand gave a significant wink, to call attention to the joke that you were about to perpetrate?—A. I did not, sir, to my knowledge.

Signature waived.

148 WILLIAM H. JONES, recalled in rebuttal.

By Mr. POLLARD:

Question. You have been once sworn, I believe?—Answer. Yes, sir; I have been sworn about two months ago, I reckon.

Q. Do you know a police officer in this town named Collins?—A. I do.

Q. I have now reference to the one who was stationed at the poll or polling precinct number 39, at the election that was held on the 2d of November.—A. I know the gentleman; I have known him about five years.

Q. Did you see him on that day at that voting precinct, at the polls?—A. Yes, sir; I have seen him several times.

Q. I want to ask you, Mr. Jones, whether or not during that day, at any time, you saw him interfering, molesting, or attempting to
49 prevent colored men from voting at those polls?

(Mr. Donovan, counsel for the contestee, objects to the question on the reason that it is not in rebuttal; and that Mr. Jones has been on the stand before and given us an elaborate oration of everything that he knew or discovered at that poll on that day, and did it very willingly.)

A. There were colored voters went up there to vote; Mr. Collins stated that unless they went away from the poll he would arrest them, told them that he couldn't arrest anybody for going to the poll, but the crowd said that if they didn't keep away from the polls that Collins could take them down and they would see to it; he says, "Damn it,"

to Cain Rollins, "if you don't get away from here I will arrest
50 you, and lock you up." Rollins then left the polls and didn't come back that I seen.

By Mr. POLLARD:

Q. What, if anything, did you see him do towards taking colored men out of the line of voters which was made there for the purpose of approaching the polls?

(Objected to for the reason that Mr. Collins has stated just exactly what he did himself in that regard.)

A. I didn't see him lay his hands on any of them, but he told them to get away from that window or he would lock them up.

By Mr. POLLARD:

Q. How many times did you hear him make that or similar observations at that poll on that day?—A. Two or three times to two or three parties.

Q. Do you know how many policemen were at that poll on that
51 day?—A. There was one policeman there until I—Collins was the only one I seen—until I went up to the fourth district police station, and asked the captain to send down some more men, and he sent some more down—that is, he said he would send one down; I was afraid of trouble with the colored men, and the colored men were afraid to go there to vote, afraid of Collins, and also of the crowd.

Cross-examination by Mr. DONOVAN, counsel for contestee:

Q. How long were you at that poll on that day?—A. Well, I suppose, altogether about three or four hours.

Q. When did you go there first?—A. Very early in the morning.

Q. How long did you stay?—A. I guess about half an hour.

52 Q. When did you go there the next time?—A. I suppose about nine or ten o'clock.

Q. How long did you stay?—A. I don't know.

Q. About how long?—A. It might have been a half hour or more.

Q. When did you go there the third time?—A. I went there—well, it was about the time that this colored man was arrested.

Q. Sam. Windom?—A. Sam. Windom; he had been taken down to be lock-up.

Q. How long did you remain ?—A. Well, I will tell you ; just while they drove down to Morgan street and back again.

Q. How long was it ?—A. Oh, I don't know, it might have been three-quarters of an hour.

Q. Well, was it more or less than two hours ?—A. It might have been more or less, it might have been three or four hours, during the whole of a quarter day.

153 Q. You have been spending the last couple of days about this office, haven't you ?—A. I have been here ; I came here this morning to testify ; I was here yesterday.

Q. And the day before, too ?—A. Yes, sir ; I dropped in here the day before yesterday.

Q. And you spent a good portion of the last three or four days here ?
A. No, sir.

Q. Do you give any additional information in this cause that you failed to give when you were on the stand before ?

Mr. POLLARD. I object to that ; it is not for the witness to determine, the records will show that.

A. Only just what I have given in ; I don't know whether I gave it before or not.

By Mr. DONOVAN :

Q. So you are the man that went up to Captain Daley and re-
154 quested him to send some police down to that poll ?—A. Yes, sir.

Q. You took an interest in that poll ?—A. I took an interest in it ; I took the interest that any patriotic citizen ought to take ; I have no interest in Mr. Sessinghaus ; I am acquainted with the gentleman, but I have only a speaking acquaintance.

Q. Did you ever assist him at Turner Hall during the campaign ?—
A. I don't know, I might have done so.

Q. If you did you didn't mean to do it ? They were all Sessinghaus men at the Turner's, the Socialer Turner Hall, corner of Thirteenth and Monroe ?—A. I don't know how many meetings we had there ; I met my friends two or three, or several times.

Q. And you happened to meet them more than once ?—A. I don't know.

Q. Cain Rollins was one of those 1600 North Main negroes.
155 wasn't he ?—A. I don't know what the number was, I believe it was 1601.

Q. Were you assisting Judy at that poll trying to bulldoze the judges and put in a fraudulent negro vote ?—A. I didn't bulldoze anybody ; I was not with Mr. Judy at the polls.

Q. Were you not there when Judy brought up a lot of those 1600 North Main negroes and tried to vote them ?—A. I don't believe I saw Mr. Judy there.

Q. Or Mr. Bensiek either ?—A. I saw Mr. Bensiek there about five o'clock ; he was in his buggy at that time.

Q. Did he have his negroes with him ?—A. I don't know whether he did or not, or whether he had any negroes around him or not ; I don't know whether he owns any.

156 Q. How many people did you see arrested at that poll on that day ?—Me ? I didn't see anybody arrested ; I seen the man after he was arrested.

Q. That was Sam. Windom ?—A. That was Sam. Windom ; I saw him at the fourth district station.

Q. That is the only man that you know of having been arrested at that poll that day ?—A. Yes, sir.

Q. Notwithstanding your efficiency in sending down an additional police force on that day ?—A. I thought it was needed.

Q. And when they got there they found it was not so ?—A. I don't know what they thought.

Q. Didn't they blame you for causing them extra trouble ?—A. I don't think I caused them any trouble.

Q. Do you know Officer Wilson, a tall, fine-looking gentleman ?—A. I don't know him.

157 Q. He went down there after you solicited additional help ?—

A. I don't know who went down.

Q. If he came down there ; if he came upon the stand and swore that he was sent down there, and that he found it useless to send him there, because there was nothing for him to do, then you must regard that your fears were somewhat unfounded ?—A. No, sir ; I don't say so.

Q. After he himself, a fair man, went to the poll and reported that he had nothing to do after he went there, why then it is evident that there was very little use to send him there ?—A. I didn't think so.

Q. But suppose he thought so ?—A. Perhaps he was there after Sam. Windom was arrested.

Q. Do you know what Sam. Windom was arrested for ?—A. I heard.

158 Q. Don't you know that he was the only man arrested at that poll that day, and that Officer Collins refused to arrest him ?—A. I don't know anything about that.

Q. Don't you know that this same Officer Collins refused to arrest that negro ?—A. No, sir.

Q. Don't you know that he was arrested by the United States marshal at that poll ?—A. I don't know anything of the kind, because I was not there at the time he was arrested.

Q. Well, you don't know of any other arrest having been made there ?—A. I know of several that ought to have been made.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, April 159 21, 1881, then to be continued at the same place, at the hour of half past nine o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,
Notary Public, City and County of Saint Louis, Mo.

Term expires March 13, 1882.

No. 57.

1 Pursuant to adjournment as above stated, on the 21st day of
April, 1881, at the hour of half past nine o'clock of the forenoon,
I continued the taking of these depositions as follows :

Mr. POLLARD. Mr. Notary, I want to apply this morning for an attachment against the body of Nicholas Berg, register of the city of Saint Louis, to compel him to bring here into the presence of this court and exhibit to us the ballots which were cast at the last November election in the precincts named in the attachment heretofore issued against the said Berg. I ask for an attachment to compel him
2 to bring and exhibit here and permit us to scrutinize those ballots.

Mr. DONOVAN. I have nothing to say.

The NOTARY. In view of the decision of the United States circuit court of this district—which appears heretofore herein of record—I decline to issue an attachment for Register Berg, commanding him to produce the ballot-boxes and ballots asked for.

3 P. A. READ recalled.

By Mr. POLLARD :

Question. You have been sworn in this case heretofore, I believe. Mr. Read, have you not?—Answer. Yes, sir.

Q. Mr. Read, you were present, I believe you have heretofore testified, at the polls in precinct 39 on last November election day?—A. Yes, sir.

Q. I want to call your attention now particularly, Mr. Read, to what you saw Police Officer Collins doing there that day, if you did see him doing anything, to prevent or intimidate colored voters from casting their ballots?

Mr. DONOVAN. I object to that, for the reason that this testimony is not in rebuttal; this witness has been on the stand, and told everything that he knew regarding the conduct of affairs at that poll.
4

Mr. POLLARD. I don't want to go over the ground again, because that, I know, would not be rebuttal; I desire simply to call his particular attention in that question to the conduct of Police Officer Collins, who testified on behalf of the contestee.

A. Well, I think I stated I saw him do this. You see when the colored people would go to vote, there was an ugly-looking white man there who would challenge their votes, and would say to the others, inside
5 and around there, that these colored men hadn't been in town so and so long; then they would tell them to go and get witnesses to prove their residence here; when they would come back with those negroes who was going to prove their residence, Collins—this Police Officer Collins—told them if they didn't go away from them polls they would be arrested. I told him myself that we have got white men here to swear that those negroes had been working for them so long. The judges told them if they would go and get proof that they had been in town long enough, to come back and vote. But when they would come back, some with two and three witnesses, some only one, this Mr.
6 Collins would step up and tell them if they didn't keep away from there he would arrest them. He did that in several in-

stances to my knowledge, and I ordered a white man to take the number of his star, and report him for his conduct.

Cross-examination by Mr. DONOVAN, counsel for contestee :

Q. Some of those negroes came there three or four times, did they not ?—A. Naturally he did, if he had to go and get proof.

Q. The negroes that were refused were those living down there at 1600 North Main ?—A. Some of them were.

Q. And they were refugees from the South that had come up in the April before ?—A. I know one of them had lived here twenty years.

Q. But the majority were refugees ?—A. I suppose there was a great many.

Q. Do you recollect when those refugees came up here from the South ? Do you recollect when that was—what month ?—A. No, sir ; I do not.

Q. Well, it was some time in April, 1880, was it not. Mr. Read ?—A. I couldn't tell ; but there was a great many come up. The great trouble was that whenever they would come up to vote they would be challenged by Dugdale and Cahill.

Q. Yes, I know ; we have gone all over that old song ; there is no use going over it again. I want to know about this business ; was it April or May, or what month ?—A. They came up in—I could not tell you.

Q. It was some time during the year 1880 ?—A. I don't know anything about that.

Q. The only negro that was arrested that day was Sam Windom, wasn't it ?—A. That was the only one I know of in that precinct.

Q. Did not Officer Collins refuse even to arrest him ?—A. No, Officer Collins was not asked to arrest him that I know.

Q. Don't you know that he was asked to arrest him and refused, and stated that if anything of the kind was to be done, the United States marshal would make the arrest ?—A. The United States marshal done it ; but Dugdale decided it ; and he had no more business to arrest him, any more than he was the United States marshal—this man who did arrest him.

Q. That is your opinion ?—A. I know that. There isn't any opinion about it. I knows that.

Q. Now, Mr. Read, you were quite a partisan, were you not, in politics ?

WITNESS. Partisan ? I don't understand that.

Q. I mean you are a very strong Republican ?—A. I am a Republican, sir ; and I am a true Republican. I wouldn't vote for no man that ever run twice—that is, I wouldn't cast a wrong ballot even for him ; and I wouldn't persuade any man to vote but one ballot.

Q. You took an active part in politics that day at the poll ?

—A. I did at that precinct ; I was at that poll.

Q. And you were hired to stand there ?—A. I was hired.

Q. You held tickets all day, and tended to the interests of the Republican party at that poll ?—A. I did, sir.

Q. And you are a colored man yourself ?—A. Yes, sir.

By Mr. POLLARD :

Q. You commenced to say something about these people at 1600 North Main, who were refused permission to vote. I want to ask you whether not any man, to your knowledge or in your belief, went to those polls from that number on last November election day, and offered

11 or sought to vote who was not a citizen, and entitled to vote there?—A. Not one.

Mr. DONOVAN. I object to that question, for the simple fact that he doesn't know and can't inform me as to when they arrived in the State of Missouri from the plantations along the river in Mississippi and Louisiana.

Signature waived.

Not being able to complete the taking of these depositions, I do now adjourn the further taking of the same until to-morrow, Friday, April 22, 1881, then to be continued at the same place at the hour of ten o'clock in the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis., Mo.

Term expires March 13, 1882.

No. 58.

Pursuant to adjournment as above stated, on the 22d day of April, 1881, at the hour of ten o'clock in the forenoon, I continued the further taking of these depositions, as follows:

EMIL SIEKMANN, produced, sworn, and examined in rebuttal on the part of the contestant, deposeth and says as follows, to wit:

By Mr. POLLARD:

Question. What is your full name, Mr. Siekmann?—Answer. Emil Siekmann.

Q. Where do you reside, Mr. Siekmann?—A. 3915 North Fourteenth.

Q. How long have you lived in the city of Saint Louis?—A. I have been living here nearly sixteen years.

Q. What is your business?—A. Salesman; traveling salesman; general salesman.

Q. Do you know Police Officer Collins?—A. I do.

Q. Did you see him at the voting place in precinct 39 on last November election day, on Hempstead street?—A. On the northwest corner; es, sir.

Q. Mr. Siekmann, I wish you would state whether, while you were here, this police officer, Collins, interfered in any manner with any colored man who approached the polls, to intimidate him or to prevent his voting; and, if he did, did you see? Please tell us in what manner, and in how many instances.—A. Well, I will have to tell you the proceedings, the way the thing occurred. On the election day, in the morning, towards dinner-time it was, I happened to come to Mr. Marquand's place, Ninth and Brooklyn, and I saw in there a certain colored man who was working for him a long time, and was being asked by the sons of Mr. Marquand whether he had voted; he had come out—

By Mr. DONOVAN:

Q. What are you proceeding to tell us?—A. I want to relate the whole thing, how he got there, because I was a partial witness of this case.

By Mr. DONOVAN:

Q. He is asking you what Officer Collins did, not what this colored man did?—A. Yes, sir; I want to tell you just what he did, if you will let me go on.

(Mr. Donovan, counsel for the contestee, objects to it, unless it is in rebuttal.)

A. He said that he wasn't allowed to vote. Mr. Marquand, being judge of the precinct there below, he wasn't in at that time.

By Mr. POLLARD:

Q. Never mind about that, but go on with Mr. Collins?—A. Well, the sons of this Mr. Marquand, or at least one of them, requested me to walk over with this colored man and see if he was entitled to vote, and to have him identified to vote. I told him I would do so. I merely walked over there with him; I walked up to the window and asked the clerk; as soon as we got there the policeman,

Collins, and some other Irishman, under the influence of liquor, they right away prevented us, and asked me what I want. I told them that this colored man had been prevented from voting, and I wanted to see that vote go in if he was entitled to vote; I wanted to see if he was entitled to vote or not. So we were prevented, and we didn't get no satisfaction. This colored man said he was living towards the river down there, and had been working for a certain party in the commission business, so I told him to bring a man up there that knew him to identify him, and the man came; I think it was the clerk in the store, who had voted there and registered.

(Mr. Donovan, counsel for the contestee, objects to this, because it has got nothing to do in the world with Officer Collins.)

WITNESS. As soon as he came up there with him they prevented him from going to the window, and they wouldn't allow him to have anything to do with me.

By Mr. POLLARD :

Q. Who prevented him?—A. Policeman Collins and the Irishmen; then, after awhile they walked into the office, this white man and the colored man, and the white man had the colored man registered—that is, the white man had this colored man registered in the office, and they voted him. Now, about this time I saw that they would have some trouble outside. As soon as they got outside, the Irishmen gathered around there, and drove the white men away; then Officer Collins drove the others away, too; other parties went there and they wouldn't allow them to vote; this officer done this much to keep the Irishmen quiet, and to go to work and drive these parties away; it appeared to me that he was protector for the other side; what it seemed to me.

Q. And was not protecting the colored men?—A. No, not once did I see him help a colored man. And several Germans was there, that I found was entitled to vote, and they were not allowed to vote, and so were a great many colored men; and of course in a certain time the rumor had spread around there that colored men couldn't vote at that polls.

Q. That is all the connection that you saw Officer Collins have with this matter?—A. Yes, sir; I don't know those colored men's names; I don't know whether there was any cause for driving them away; but the deputy marshal come down there and found that there was trouble there; there were other parties there; I think you can get them if you want them; they were there and saw the thing, saw the whole transaction.

Cross-examination by counsel for contestee, Mr. DONOVAN:

9 Q. How often have you been arrested, and what for?—A. I never have been arrested; I have been arrested once for fast driving; that was in sickness, when I was going for the doctor.

Q. How often have you been before the court of criminal correction?—A. I don't think that has got anything to do with this case; if you want to prove me a criminal, I can prove to you that you are mistaken.

Q. How often have you been before the court of criminal correction on criminal charges?—A. I don't think I ever have been.

Q. Were you not arrested for grand larceny, on complaint of a lady on 5th street?—A. I had the lady arrested myself.

10 Q. Were you not yourself up before the court of criminal correction for larceny?—A. I never have, sir; I don't want to an-

or any such questions; I am not a thief, sir; I forbid such a question to be directed to me; I won't have to answer that.

Q. Were you ever up there for assault and battery?—A. I never have,

Q. Do you know where the court of criminal correction is?—A. I appear as a gentleman here; I wish you to understand that; I shall not answer no such question directed to me; I know where it is, I have been there.

Q. What was your business there?—A. I prosecuted parties for stealing goods from me—for grand larceny.

Q. How often were you there before the court of criminal correction?—A. Well, I think I have been there once.

Q. Not oftener than this once?—A. Well, I don't know what you are referring to; I had certain parties there, being in trouble myself, come there; I had put my children with a certain party there, and they robbed me, stole goods from me, and one evening my children they came home; I want to come to that point—

By Mr. DONOVAN:

Q. The only point I want to know is concerning yourself—of yourself being brought up there as a criminal?—A. I can tell you the different small items of it if you want to know it, but I never have been a criminal and don't want to be.

Q. How long have you lived at this place—3915?—A. I live there about a year and a half; eighteen months, or about that much.

Q. Where did you live before that?—A. I lived before at 1801 Salisbury street, Kossuth avenue and Hebert street.

Q. Now, you have been rather free in your testimony here?—A. I have got a right to be, to defend my character.

Q. You have been rather free in your testimony on the direct examination. I would like to know from you how long you were at that poll on that day?—A. About an hour and a half—two hours—somewhere in that neighborhood.

Q. You have very glibly answered the questions of Mr. Pollard in this way?—A. Myself and the negroes were driven away.

Q. Of course you were driven away. How far were you driven; about how many feet?—A. Oh, well, it was enough to get a thrashing.

Q. Did you get a thrashing?—A. They tried to do that; if it hadn't been for others; why, certainly have tried to thrash me.

Q. Did a negro get a thrashing?—A. Well, they tried to do it. There were lots of Irish there.

Q. So they were driven away, and the negroes were driven away; and in the next breath you say that the negro wasn't driven off, but he went up to the polls, and went into the polls, and was there registered, and voted. Now, how do you reconcile these statements?—A. I told him to go and get a citizen there—get a man to identify him.

Q. Did they drive him away from the polls, or into the polls, so that he could register?—A. I told you that before.

Q. Your testimony was, that you come to the polls with this negro, that you wanted to see whether this man was entitled to vote; and you say you were driven away; and right in the very next breath you say that the negro went into the poll and was registered. Now, I want to know which of these statements was true?—A. There was another man come there to identify him.

Q. How much driving was there ?—A. There was a good deal; a man would fear to get thrashed.

Q. He wasn't so badly frightened but that he did come back to register ?—A. Because there was a good deal of protection right then from parties there; but there was some trouble yet.

Q. Now, what was that negro's name ?—A. I don't remember; I went there to find out if he was entitled to vote.

Q. You don't know how often that negro had been at that polls before, that day ?—A. I told you I had never seen him before in my life.

16 Q. I want to know how often that negro was at that same poll, and interfering with the line of voters ?—A. For my part he might have been there a thousand times; I understood he had been driven away several times.

Q. Then he was there several times annoying those people ?—A. I don't know that; they said he had been there.

Q. And you said that you went there to identify him, when you now state that you never saw the negro before in your life ?—A. I never went there to identify him; I went at the request of Marquand's son to find out whether he was entitled to vote. I never saw that man before in my life; that is what I said before.

17 Q. Don't you know that their only request was to identify the man ?—A. No, sir; when I went to that place they told me to find out at the clerk's office, just merely in a friendly way, if he was entitled to vote or not; that is the only thing I went there for. I never saw the man before—not as much as I have you.

Q. Now, you have got very positive opinions regarding the Irish race, have you not ?—A. I saw they were very much under the influence of liquor; they were very much opposed to each other.

Q. But you yourself have a very strong antipathy to the Irish race ?—A. No, sir; I have not.

Q. You have stated that Officer Collins, in this respect, is the protector of the Irish race and not the protector of the German race ?—A. I didn't say that. I saw several Germans as tells me they were driven away from the polls; I haven't paid any more attention to that.

Q. They were driven away, were they ?—A. I didn't go there for that purpose.

Q. Everybody that went away on that day from that polls, in your judgment, was driven away ?—A. I didn't never say that.

Q. Is that what you mean by driven away, when a gentleman quietly walks down the street ?—A. I know that I was; I know what I say.

Q. Are you a man to be driven away from any polls ?—
19 A. Well, before I get a thrashing I will go off.

Q. Wasn't there but one man thrashed there at that poll that day, and wasn't that man a Democrat ?—A. I don't know what he was.

Q. And the thrashing took place around the corner, where he got a tap on the cheek ?—A. I don't know anything about that.

Q. If you don't know anything about it, why do you come down here to tell us about it ?—A. I didn't say that I saw that fight.

Q. Who did you see get thrashed that day ?—A. That very white man that was identifying that colored man, they thrashed him in some kind of an alley.

20 Q. Now, don't you know that you are very badly mistaken about that; that he wasn't thrashed in the alley at all; that he

was hit around the corner. Now, was he not hit upon the broad, open, thoroughfare around from the poll; didn't he get into some sort of a quarrel there, and get a little tap on the cheek, and wasn't he a Democrat?—A. I have got nothing to do with that.

Q. Was there any other man hit except that Democrat?—A. I haven't paid any attention to that.

Q. How is it that you know so much about it, and are willing to say what occurred at that poll, when the Democrat was here himself, and was an impartial witness, and told the whole story.—A. I never made myself an impartial witness, I saw this very case, this very transaction; I saw this man hit, and I saw them driving many others away.

Q. But there was nobody thrashed there except this Democrat?—A. Well, the whole crowd went to thrash this man.

Q. Well, you say the whole crowd thrashed him; now, you know that cannot be so, because that man has been here himself, and has said that they gave him a slight tap on the jaw?—A. That makes no difference, the man was misused there.

Q. The man was a German, and he wasn't battered at all?—

A. I am not come here for the purpose of being a judge in a criminal transaction; I only come here to tell you what I know as a witness.

Q. How far away were you from this little scrimmage?—A. Oh, a short distance; it was not far.

Q. You didn't go in to assist this man because he was a Democrat, I presume?—A. I told you I have got nothing to do with the man whether he is a Democrat or Republican; I never saw the man before in my life; there was a great many people around that poll; a great big crowd; I have got no idea how many.

Q. About how many?—A. That didn't concern me; it was a great big crowd; there might be a couple of hundred or 500.

Q. There was just 57?—A. O God, don't ask me such foolish questions.

Q. But inasmuch as one very conscientious witness during the progress of this scrimmage counted the men there and saw that there was 57 exactly, I would like to ask you how you come to estimate the number at 500?—A. If there was ten I guess there was 200 people; of course I haven't any more remembrance of that.

Q. Well, the Germans were treated very much like the negroes there?—A. Yes, sir.

Q. And the Germans are likely to stand being treated like negroes?—A. No, sir.

Q. They are all cowards?—A. I am not a coward; don't take me for one.

Q. And yet you were driven away by a police officer of the city of Saint Louis?—A. I went because I didn't want to resist a police officer; you needn't go to work and ask me such foolish questions as that.

Q. Did he lay hands on you?—A. It is enough if the officers tell me to go on.

Q. This police officer told you that that negro had been there a number of times, and they told you that he had been there bothering the judges a number of times, and that you must step aside?—A. Why, certainly.

Q. And that is what he said?—A. Yes, sir; he told me to do so; you don't want to resist a police officer.

Q. If it is not an insult to you, I will ask you if that is what you consider being driven away from the polls?

WITNESS. What do you consider an insult; what insult have you reference to? Of course, if a police officer has the right to tell you to go, you have to go; he has got a right to insult you if he wants to, and you haven't got a right to resist the police officer under any circumstances.

Q. Please repeat the question, Mr. Kraft.

(The notary reading :) If it is not an insult to you, I would like to ask you if that is what you consider being driven away from the polls?

—A. Of course you can take it as an insult; there is a good many
26 insults made by officers; he has got the law in his hands, and you are not allowed to resist under the circumstances, of course not.

Q. Please repeat the question again, Mr. Kraft, to the witness (repeating question).

(Mr. Pollard, counsel for the contestant, objects to that question, because the witness has already answered it. If you haven't any more questions to ask the witness, why we will let the witness go.)

Mr. DONOVAN, I have asked you, Mr. Witness, whether, when the police officer came to you and informed you that the negro that you were with had been at that poll several times, and had been in the
27 line of voters several times and refused by the judges, and that you must not interfere with the line of voters, but must step aside—I ask you if that is what you call being driven away?—A. I think I have a right, as a citizen of the United States, of being allowed to vote in peace at the polls; I think I have got the right to register and vote; I think I have got the right to find out whether a man is entitled to his vote, and that is what I did, and didn't do anything else; I asked this request of the clerk, whether he was entitled to vote, and I was driven away and thrashed.

Q. Wasn't the name of that negro Sam Windom, and was he
28 not the negro that was arrested by the United States officers for this same interference with the line of voters on that day?—A. I don't know whether it was or not; I don't know anything about it, and don't care.

Q. Mr. Collins didn't arrest you or this negro, but the United States marshal arrested another man there, and only one that was arrested from that polls that day?—A. That might be.

Q. For disturbing the line of voters there?—A. I don't know anything about that; I have got nothing to do with that negro; I didn't go there to get into trouble or into a row, or have any row or difficulty; I went there on the request of some other parties.

29 Q. Now, that is all you saw Officer Collins do on that day?—

A. Yes, sir, that is all.

Q. He did nothing more than you say?—A. That is all I have seen. Signature waived.

30 LEWIS OVERHAUL, being then produced, sworn, and examined in rebuttal on the part of the contestant, deposeth and says as follows, to wit:

By Mr. POLLARD:

Question. What is your name?—Answer. Lewis Overhaul.

Q. Where do you live?—A. 228 Mound street.

Q. How long have you lived there?—A. Nine years.

Q. How old are you?—A. 27 years, going on.

Q. You have lived right in this same house for nine years, have you?

—A. Yes, sir.

Q. You are a colored man ?—A. Yes, sir.

Q. How long have you lived in the city ?—A. I was raised here, from a boy 16 years old.

31 Q. You were born in this country ?—A. Yes, sir, born in Missouri.

Q. Did you go to the polls at precinct 39 on last election day ?

—A. Yes, sir.

Q. Where were those polls ?—A. On Broadway, between Hempstead and—

Q. On the east side of Broadway ?—A. On the east side of Broadway.

Q. Did you vote ?—A. No, sir.

Q. Why not ?—A. Because they wouldn't allow me.

Q. Did you see Police Officer Collins there that day ?—A. Yes, sir.

Q. Now, what did he have, if anything, to say or do there ?—A. Only one word I heard him say when they drove us away, "That is right ; don't let any of the God d—n negroes vote here ; none of those sons of b—s shall vote here," so Officer Collins said. Patsy Carroll says, "Get out, you God d—n black sons of b—s, we will break your God d—n black heads."

Q. He said that to you ?—A. Yes, sir ; he was talking to me when he said that.

Q. Did you vote ?—A. No, sir.

Q. Then before you went away Officer Collins said this ?—A. Before I went away Officer Collins said this.

Q. You went away from the polls then ?—A. Yes, sir ; I started off.

Q. Why didn't you go up to vote ?—A. Because I was afraid ; they threatened to hit me, and I knowed if I went in there some of them would hit me. I never voted there before.

33 Q. You have voted here in the city before ?—A. Yes, sir ; I have voted here in the city.

Q. And you have voted since you have been living at the place where you now live ?—A. Yes, sir.

Q. You are a Republican ?—A. Yes, sir.

Cross-examination by counsel for the contestee, Mr. DONOVAN:

Q. Who supports you ?—A. I support myself.

Q. Is that true or false ?—A. That is true, sir.

Q. Are you not supported by an aged father who is a blind man, and fiddles in order to let you lead a lazy life ?—A. No, sir ; my father is not blind ; my father has got two good eyes, just as good as yours.

34 Q. Doesn't your father fiddle for a living ?—A. No, sir ; my father was with Martin H. Cleary.

Q. Doesn't he fiddle for a living and support you from his fiddling at night ?—A. No, sir ; he don't. I supports myself with my own head.

Q. Your father don't fiddle at all ?—A. My father aint had a fiddle in his hands in three years ; what money he makes he uses to take care of himself.

Q. I suppose you have lived in the city all the time ?—A. All but during six years. I lived six years in the country and then returned to town.

Q. Whereabouts in the country ?—A. In Saint Charles County, Missouri.

35 Q. You are a roustabout on the river ?—A. I do anything I can get to live.

Q. You are a roustabout on the river ?—A. I am no roustabout by trade ; I aint got any trade ; only what I can get to do to get a living.

Q. Are you not a roustabout on the river?—A. No, sir; I aint no roustabout on the river; I work in town as much as anywhere else, and in the country on a farm.

Q. Haven't you traveled the river?—A. Yes, sir; I have traveled the river.

Q. And are you not considered a roustabout?—A. No, sir; I aint.

Q. Aint you in the directory there as a roustabout?—A. No, sir; you never seen me in the directory as a rouser.

36 Q. You are sure of that?—A. No, sir; I am not on the river—roustabout on the river. I can prove that; yes, sir.

Q. Were you ever a slave?—A. Yes, sir.

Q. You belong to the Overhaul family of Saint Charles?—A. No, sir; my master was called McNeeley.

Q. But your folks belong to the Overhaul family of Saint Charles?—A. Yes, sir; my latest master was that name; my dad belonged to Overhaul and my mother belonged to McNeeley. My dad belonged to one and my mother belonged to the other.

Q. How often have you been in jail?—A. Never was in jail in my life.

Q. Never arrested?—A. Yes, sir; I have been arrested.

37 Q. What for?—A. What for; disturbing the peace.

Q. How often?—A. I was arrested twice.

Q. What were you arrested for the second time?—A. I was in a big crowd where there was a good deal of fussing, just like there was up at those polls.

Q. Where were you put when you were arrested?—A. In the calaboose.

Q. Did you ever go to the rock pile?—A. I had no business there.

Q. Were you never sent to break rock at the work-house?—A. No, sir; never had no business there.

Q. Were you fined?—A. Yes, sir; I was fined and turned out.

38 I was fined three dollars and costs, and was turned out after that.

Q. Where were you when they were taking depositions on behalf of the contestant in this case in January?—A. I never knew anything about them depositions.

Q. Why didn't you come up here to earn 75 cents?

WITNESS. Why didn't I come up here to earn 75 cents?

COUNSEL. Yes.

A. You never sent anybody to tell me that you had work for me to do.

Q. I didn't have any work for you to do, but those that were coming up here to prove these things, men of your ilk, got 75 cents. Why were you not enterprising enough to get the same?—A. I had other work then to do.

39 Q. You didn't have time to come up here?—A. I had other work to do.

Q. Who scraped you up now?

WITNESS. Who scraped up who?

COUNSEL. You.

A. I wasn't scraped up at all.

Q. How did you come to get here?—A. I walked.

Q. Who asked you to come?

WITNESS. Who asked me to come?

COUNSEL. Yes, sir.

A. Subpœna did.

Q. Did you tell anybody what you were going to testify to on this stand?—A. Nobody but you all here.

. That is the first time that you have mentioned the fact ?—A. That is the first time that I ever mentioned it to you all.

. You never told me anything about what you were going to testify to ?—A. No, sir; that is so.

Q. They just subpoenaed you ?—A. They just subpoenaed me and told me to come.

Q. None of these gentlemen around here of the same color with yourself told you what it would be desirable for you to say here ?—No, sir; they couldn't tell me nothing.

. Did you tell them ?—A. I didn't tell them nothing. No one of us can tell you that I told them anything.

. What were you employed at on election day ?—A. I was walking around, doing nothing.

. How many polls did you visit ?—A. I didn't visit but two; one here on Broadway, and one I visited on my way out, on Benton street, I think. I know they were getting a lot of furniture right next to it.

Q. How long a time did you stand at these polls ?—A. About ten minutes at the first one, and we went up to the second one where we staid there half an hour. I was getting a load of furniture at next door.

. Did you go up alone ?—A. No, sir; I had a white man.

. What was his name ?—A. A. B. Smith.

. Was Smith with you when you went to the polls 39 the second time ?—A. I only went there once. You asked me how often I passed. That is all, I am telling you. I only went to the poll once.

. Then you came back ?—A. I didn't come back. I was with the wagon getting a load of furniture there.

Q. Mr. Smith went with you the first time, did he ?—A. No, he didn't; he went with me the second time with the wagon.

Q. What did you do then ?—A. We loaded the wagon with furniture.

. You went up to the polls then ?—A. No, sir; I didn't go to the polls.

. Mr. Smith didn't go with you to the poll ?

WITNESS. You asked me how many polls I passed by.

. Why didn't you get off your wagon when you were with Smith ?

. Because Smith hired me to do the job.

. You never asked Smith to go there with you to the poll although he passed right in front of it ?—A. No, sir.

. You never asked him ?—A. No, sir.

Q. Now, what hour in the day did you go to the poll ?—A. Well, it was between eight and nine o'clock.

Q. How long did you stay there ?—A. About ten minutes.

. Who went with you ?—A. William Donan.

. Did William Donan vote ?—A. No, sir.

. Don't you know that he did vote ?—A. No, sir; because they mobbed and runned him away, and run him in to Remmert's store.

. That is the first we have heard of that; don't you know that he voted at that poll on that day ?—A. No, sir.

. But if William Donan was at that poll, and he is the negro—A. (Witness interrupting.) Nobody didn't see him vote there.

. Now, haven't you seen him since the election ?—A. Yes, sir; he didn't tell me that he had voted.

Q. If he has sworn here that he did register and vote at that poll, is he not to be believed ?

Mr. POLLARD. We object to that, and we say that the counsel for the contestee has no right to make a misstatement for the purpose of endeavoring to make this witness swear to a lie; the counsel for the contestee knows that there is no such proof.

Mr. DONOVAN. It has been sworn here in this case half a dozen times that this man William Donan registered at that poll and voted there that day; and this statement is made out of whole cloth, just as all of these other statements of Mr. Pollard are made when he comes to what is contained in the testimony.

Mr. POLLARD. There is no testimony, and the counsel for the
45 contestee knows it, that Mr. Donan voted there that day, or any other colored man.

Mr. DONOVAN. The testimony of the man here on the stand just before this witness was to the effect that a white man took Mr. Donan to the poll; that he was called into the poll and registered. (To the witness.) Now, which is to be believed of these two statements, the statement of the gentleman that William Donan was registered and voted or yours?

A. I didn't see him or any other black man vote.

Q. Did you see anybody vote in the city of Saint Louis that day?—A. I don't know now who did vote.

Q. Didn't you see a lot of people vote in the second and third Congressional district?—A. I don't know now.

46 Q. They were all denied the right to vote?—A. I don't know anything about that.

Q. Who did you see when you went to the polls that day?—A. I saw lots of men there—a crowd of them.

Q. Lots of men; they were colored, too, weren't they?—A. I didn't see any colored men there but me and another man.

Q. There is no colored men living in that neighborhood, I presume?—A. About fifty or sixty, but they weren't there at the time I was there.

Q. You didn't see a colored United States marshal standing right in front of the window, a man as black as yourself?—A. No, sir; I didn't see him.

Q. You didn't know he was there to protect you in the casting
47 of your ballot?—A. I didn't see him.

Q. All that you saw there was—A. (Witness interrupting.) If he had been he wouldn't have tried to have done it.

Q. Done what?—A. Detect us; I went up after they run me off; I went and looked after Officer Collins.

Q. You were intimidated, bulldozed, beaten, punched, and maltreated; have you got any marks about you?—A. They didn't get a chance to hurt me, because I run.

Q. And how far did you run?—A. I went home to where I lived.

Q. There were two or three United States marshals there, the largest
48 one of them a colored man just like yourself, and yet you were scared away from the polls; was that for the reason that you wanted to get an opportunity to hire out to load furniture that day?

WITNESS. Did you suppose I was going to get beaten? I know a man was beaten that day who lives in a grocery store.

Q. That was Mr. Hartwig, that Democrat that got a tap on the nose; this great battle about which so much fuss has been made dwindles down into a single tap which a man got on the nose. Now, was there any other man beat that you know of?—A. No, sir.

Q. Now, if the only man that got hit at that poll on that day was a

Democrat, and he got a tap on the cheek, then he got that a block away from the poll according to his own statement, and—A. I never
49 heard of any Democrat getting hit there.

Q. What reason did you have to be afraid ?

WITNESS. What reason had I to be afraid ; now, don't you know, for instance, if all these men were after you, don't you think that you would be afraid, too, and would run—wouldn't you run if they was clubbing you ?

Q. Did anybody in that crowd have a club ?

WITNESS. And rocks, too.

Q. And glass balls of dynamite ?—A. I don't know anything about dynamite balls.

Q. Did you see any hand-grenades there ?—A. No, sir.

Q. Did you see any small brass cannons in the pockets of anybody ?—A. No, sir.

Q. Any swords flourished ?—A. No, sir ; I didn't see any swords.
50 Q. Well, you were awfully afraid, and you run away ?—A.

Certain ; of course.

Q. Was anybody else run away that day ?—A. William Donan.

Q. The man that voted ?—A. He was run away from there.

Q. Was there anybody else run away ?—A. No ; not that I know of, sir.

Q. Who is it that employed all these negro witnesses to see about the fighting at that poll on that day, inasmuch as we have got the full particulars, and know it to be a miserable little scrimmage that occurred a block and a half away from the polls, and in which scrimmage a Democrat got a rap on the cheek ?—A. Nobody never hired me.

Q. Did you see any other fight there than that that I have
51 referred to ?—A. No, sir ; I never seen any more fights than I have told you.

Q. Did you see that fight ?—A. I didn't see that fight. I seen them running him off from there.

Q. So there was but one fight, and you didn't even see that, and you weren't hurt ?—A. I never said that I was hurt.

Q. If nobody was struck there, and if you weren't hurt there, what was the necessity of your turning white with fright on that occasion ?—A. I didn't turn white.

Q. You were not afraid there that day, were you ?

WITNESS. Do you suppose I would remain there—let them men club me ?

Q. Are you not well able to take care of yourself ?—A. I work for myself.

Q. Are you not very well able to take care of your own
52 rights ?—A. I was not able to take care of those men.

Q. Those men did not hurt anybody that day. Why do you suppose they intended to hurt you ?—A. Because they couldn't catch me.

Q. How many feet did you run ?—A. I don't know, sir ; I never measured.

Q. Did you run twenty-five feet ?—A. More than that.

Q. Did you run thirty feet ; do you think you run forty feet ?—A. I run from where the polls was to Mound and Second.

Q. Did you run to the nearest beer saloon ?—A. No, sir ; I didn't have time, not if they had been opened, and they would have been after six o'clock.

53 Q. Were you running for a glass of beer, or were you running

for your furniture car?—A. I was running to save my head from being busted.

Q. Now, can you give me the name of anybody there that was going to bust your head?—A. John Dunn and Patsey Carroll.

Q. Was Officer Collins there going to bust your head, too?—A. He told me that he would if I didn't keep away from there.

Q. In the preservation of peace he invited somebody to break your head?—A. He said no G—d d—n negro shan't vote there.

Q. Where did you learn this song?

WITNESS. Which song?

COUNSEL. That you are now singing.

A. I don't sing.

54 Q. Have you had a class down there in which this same thing was rehearsed?—A. No, sir.

Q. Now, doesn't it strike you as extremely ridiculous to talk about being driven away from the polls, when there was not a solitary, single man hurt at that poll on that day, and there was only one little scrimmage, and that didn't occur in the vicinity of the polls; and that among other guardians of that polls was a United States marshal, a colored gentleman, like yourself, big of limb and strong of muscle, who was there to protect you in any rights that you may have had. I ask you if it does not seem to you as extremely ridiculous that you should be driven away from those polls?—A. No, sir, it don't; I know what I know, sir.

55 Q. Now, my dear friend, you say that you have lived in this house nine years, and voted, but you never voted at that poll before; now was this your proper poll?—A. Yes, sir.

Q. Well, then, have you voted at a different poll?—A. I didn't vote at none, I tell you.

Q. But you stated that since you lived in the same house where you live now that you voted, but not in this same place?—A. No, sir; not in this same place.

Q. Why did you go to that poll if that was not your proper poll?—A. I didn't.

Q. I ask why didn't you go to your proper poll, instead of going to a poll where you didn't belong?—A. I did go to the proper poll.

56 Q. Well, then, you have two proper polls in this town?—A. No, sir.

Q. Where was your other poll that you voted at while you lived in this same house?—A. That was right across the street there, Broadway.

Q. Where were you living then?—A. At this same place; Officer Collins was there then at that time too.

Q. Did he drive you away from that poll?—A. No, sir.

Q. Well, how far were these polls apart?—A. One was between Hempstead and La Beaume and the other was between Mullanphy and Florida.

Q. Anybody could have sense enough to know that there is only one poll to each precinct?—A. You know I don't know anything about precincts.

Q. But don't you know that there is only one poll to each precinct. Do you know much about what you are testifying here?—A. Yes, sir.

Q. Why didn't you go to the polls that you voted at before, if you had been living in that house as you say you had been?—A. There is none there; that is moved; that was last year.

Q. Why did you not vote where you went before?—A. I went before

ear that little grocery store which sets out between Mullanphy and Florida just below Schulherr's stable.

Q. I suppose you never gamble ?—A. No, sir; I don't gamble.

Q. You never "shoot craps ?"—A. No, sir.

3 Q. Or throw dice ?—A. No, sir.

Q. And roustabouts on the river never do ?—A. Roustabouts o it; but I have seen men that runs on the river that don't do it.

Q. You have seen some roustabouts that didn't do it. You haven't een in the habit of scattering your earnings by "shooting craps ?"—A. o, sir, I don't gamble.

Q. Now are you certain whether you didn't go to the wrong poll on lection day ?—A. Yes, I am.

Q. You did then. You are sure that you did then ?—A. That is the ne I am talking about now.

Q. You are sure that you did then —— ?

Mr. DONOVAN. Wait one moment, Mr. Pollard, I object to your in-structing the witness now.

9 Mr. POLLARD. The question is are you certain that you went to the right poll on that day ?

Mr. DONOVAN. I object to this sixth interference with this witness, nd to the fact that the counsel for the contestant is testifying for the itness and has coached him all the way through until now.

Mr. POLLARD. Where the counsel for the contestee puts a double egative in the question and the notary refuses to explain the question r to put it into plain English so that the witness can understand it, I pprehend that it is some one's duty to protect the witness on the stand.

Q. Did you see Officer Wilson at that poll on that day ?

WITNESS. Officer Wilson. I didn't see him.

Q. Now, if Officer Wilson stated that he was at that poll during
0 all of the afternoon and that colored voters came and went just the same as other voters came and went, that the polls was as eaceable a one as there was in the city of Saint Louis, do you think he id testify to the truth ?

WITNESS. I don't understand that.

Q. Well, if he stated this fact that he was present during the whole f the afternoon there, and colored voters came and went just the same s white people; that he was stationed there; that all the affairs at that oll were conducted right under his supervision in the same peaceable nd quiet manner, do you think that he told the truth ?—A. He couldn't ave told the truth if he told that lie, he could not have told the truth.

1 Q. Mind you, he said he was present there during the whole afternoon, and that poll was as peaceably conducted as ever a oll was in this city ?—A. This affray was in the morning.

Q. What affray ?—A. This affray that you was asking me about.

Q. What affray ?—A. I can't understand what you mean.

Q. What do you mean by an affray ?—A. This matter—this fuss.

Q. What matter ?—A. Running them boys from the polls.

Q. What fuss have you reference to ?—A. Mr. William Donan.

Q. The man that voted ?—A. He never voted.

Q. The real fact of the case is that you didn't care a fig to vote
2 on that day, or that you struck the wrong poll ?—A. I think I did care about it.

Q. You think that you did care about voting, and although you were raveling around and passing by that poll repeatedly, nevertheless you

didn't care to get off your wagon and vote?—A. I knew I couldn't anyways.

Q. Because you weren't entitled to vote. You passed up and down there; you went up the street and down the street, and passed the polling place, and you didn't think it was worth your while, because weren't entitled to vote?—A. Because I was afraid to try.

63 Q. But you weren't afraid, because you went up and down there as often as you pleased on your wagon?

WITNESS. What poll do you mean?

Q. The poll that you passed by.

WITNESS. The one that I didn't run away from?

Q. They were all there together?—A. No, sir; they was not.

Q. How far were they apart, one on one side of the street and on the other?—A. The one I passed by was up on Twelfth and Ben the one I told you, when I was on the wagon.

Q. Now, are you sure that there was a poll there on Twelfth street? A. There was one on Twelfth street.

Q. That is, you think there was?—A. Yes, sir.

Q. You and Mr. Smith passed it?—A. Yes, sir; we went about half a block further, and got a load of furniture. There was no use to get off there, because you know I couldn't vote there.

Q. You do not believe that any negro was allowed to vote in the city of Saint Louis?—A. I didn't say that no negro was allowed to vote in the city of Saint Louis; no, sir. I didn't go to say that if I did.

Q. Can you explain to me why you didn't get off your wagon, why you went with Mr. Smith, and vote there?—A. Because I hadn't been there long enough.

Q. Then, after you had been run 40 feet away from the poll, and another negro quietly went back there, registered, and voted?—A. I never saw no negro register and vote at all.

65 Q. You are sure that you were not run over 40 feet?—A. I was run from the polls on Broadway down to Mound and Second that is 40 feet, isn't it, and more?

Q. What did you do when you got to the other end of the 40 feet? did you stop and look back?—A. I went into the yard, upstairs.

Q. Did you get your breakfast; did you go and get your breakfast? A. Why, no; I had had my breakfast.

By Mr. POLLARD:

Q. This house which you live in is east of Broadway; it is between Broadway and the river, isn't it?—A. It is right on the corner of Second and Mound.

Q. It is between Broadway and the river?—A. Yes, sir.

66 Q. And south of Webster street, isn't it; that is where you live?—A. Yes, sir.

Q. And the place where you went to vote is included in those streets, isn't it?—A. Yes, sir.

Q. And isn't that place where you voted, where you did vote before last November, a year or two or three or four years ago, within the same streets?—A. Yes, sir.

Q. It was all in the same precinct, but they had different places holding the elections?—A. Yes, sir.

Q. That is what you mean?—A. Yes, sir.

Q. Now, when you were run away from this precinct 39 in the morning, you run, you say, some two blocks from there to your home?—A. Yes, sir.

67 Mr. DONOVAN. I object, for the reason that he said he run about 40 feet.

A. Yes, sir.

By Mr. POLLARD:

Q. Then, after that, instead of going back to that poll you got your furniture wagon and went with this man Smith and got some furniture?—A. Yes, sir.

Q. At a place which was near another poll?—A. Yes, sir.

Q. And you didn't attempt to vote there?—A. No, sir.

Q. And that second place, where you went with your wagon, was how far from the polling precinct where you had tried to vote?—A. It was on Twelfth and Benton.

Q. Ten or twelve blocks away?—A. Yes, sir; near about there.

Q. What is your business, now, Mr. Overhaul?—A. I haven't got any regular business; I work at anything I can get to do.

Q. What have you been doing yesterday and to-day?—A. I was working at the car yard.

Q. You are a Republican, aint you?—A. Yes, sir.

Q. And wanted to vote the straight Republican ticket?—A. Yes, sir.

Mr. DONOVAN. I object to this testimony, as it is not in rebuttal of anything.

By Mr. DONOVAN:

Q. When I asked you, on cross-examination, whether you run 30 feet, you said no, you run 40 feet. Now, Mr. Pollard sticks into your mouth, "Didn't you run two blocks?" Which of these statements are true?

Mr. POLLARD. We object to that question, because the witness made no such answer. He said at the time that he was asked if he was driven from the polls, and run from there to his house, and located his house, which is, in accordance with the geography and topography of this city, about two blocks.

Mr. DONOVAN. This is on a par with the manner in which the investigation of this witness is being conducted. Please answer my question.

A. I told you this; you asked me, "How far did you run—30 feet?" I said, "Yes; more than that." You asked me, "How far?" and I told you, "All the way home." I told you I went home.

Q. You did not say that you run 40 feet?—A. I told you that you asked me how far did I run, and I said 30 feet; then you said 30 feet, then I says more than that.

Q. Did you not say 40 feet?—A. I never told you about 40 feet; you asked me how far did I go, and I told you I went home.

Q. You are just about as correct in that as you are in anything else. You have testified here that you run two blocks; who was running after you?—A. Those white folks that followed me down to the corner.

Q. How far was the corner from the polls there—about 40 or 50 feet was the distance between the poll and the corner—about 40 feet?—A. They run me from the poll to my house.

Q. Did they go any further than the corner, after you went five steps from the corner of Hempstead street?—A. Yes, sir; they did.

Q. Did you look whether they were pursuing you those two blocks, and how many were pursuing you?—A. There was twelve of them, I know.

Q. And they run you two blocks?—A. Yes, sir.

Q. And you are the only man that ever saw it, although we had a hundred people from that poll that have been anxious to desc something of that kind; why didn't other people see that same thi
—A. People did see it.

Q. They have all been on the stand here, and you are the only that says so; now, why is it that they didn't speak of that fact?
Some of them did, I expect.

72 Q. Now, isn't it a fact that you are lying when you say those men pursued you two blocks?—A. Yes, sir; I can p that they run me two blocks.

Q. How far did they run after you, if they run after you at all?
WITNESS. No, sir; it aint a fact that I am lying.

Q. Now, if twelve persons pursued you two blocks, according to y statement, and nothing of this kind was testified to on this stand any of the other people who testified from that precinct, can you me why it is that you alone make that statement; why no other son has mentioned it before?—A. Nobody, I don't guess, was up l that saw it.

Q. Although everybody that was connected with that
73 has been up here, and this is the first time that it has ever b mentioned—this ridiculous circumstance; can you tell me they didn't mention it, when they were anxious to mention anyth and everything that occurred there?

Mr. POLLARD. I object to that, because it is a misstatement; t has been but a very small proportion of the people up here that u p at the poll.

By Mr. DONOVAN:

Q. How long did this occur after this young Democrat got a tap the cheek. I refer to this foot-race for your breakfast, with twelve anxious to share your frugal meal?—A. Breakfast was before that

Q. How long before?—A. I couldn't exactly say, it was not quit hour before.

74 Q. Do you know the names of any men that pursued you?
Yes, sir.

Q. Give me the name of one of them?—A. Mr. Cahill was one of t

Q. A United States deputy marshal?—A. I don't know who he but he was one of them.

Q. Did you know him to be a United States marshal at that pol
A. I don't know who he was.

Q. And he run two blocks away from his post of duty to inter you?—A. Yes, sir; there was another one there; he said he was i shal, and he came and run after me.

Q. Both these men left the polls in order to attend to you?—A. sir.

75 Q. And went down to your house two blocks away?—A. sir.

Q. And left their duties unattended to at the polls?—A. Yes, si

Q. Plenty of other negroes came up there to vote at the same t did they not?—A. Them two men run me away, but I don't k whether they were marshals or not.

Q. What is the name of the other ten?—A. I don't know.

Q. I suppose they were all large powerful men, anxiously looking your carcass?—A. I don't know about that.

A. And all of them had clubs. Do you know whether any of t had horns on their heads; did any of them have hoofs?

76 No, sir; only shoes on his feet, that was all the hoofs I seen.

Q. The police saw this pursuit also, did they ?—A. Yes, sir.

Q. The policeman at the poll opposite, as well as the one at this poll, they all saw it ?—A. I didn't see any police officer there, except Officer Collins.

Q. The policeman there across the street, he saw it, this running-race ?—A. I don't know whether he did.

Q. The police officers are not in the habit of pursuing a crowd that they see gathering, are they ?—A. I have seen policemen running after people many a time.

Q. But this time they made an exception in this case, and the innocent officer that was across the street, also on duty, he saw this
77 crowd coming, but he didn't run after you, or didn't run after the crowd, he just utterly ignored it ?—A. I didn't see any officer running at all. I am talking about those two men that are marshals, that is all I seen.

Q. That is all you saw ?—A. That is all the officers I saw running in that crowd of men.

Q. And you knew them to be officers ?—A. I called them by their titles ; yes, sir ; you called them United States marshals.

Q. Did you cause any one to be arrested at that poll ?—A. No, sir, I didn't.

Q. You walked up like an innocent lamb, and was slaughtered ?—A. No, sir ; I was not slaughtered.

Signature waived.

78 JOHN HAROLD was then called in rebuttal, by the contestant, being duly sworn, on his oath, deposes as follows, to wit :

By Mr. METCALFE :

Question. What is your name ?—Answer. John Harold.

Q. How long have you lived in the city of Saint Louis, Mr. Harold ?
—A. About 38 years old, or 37 ; something like that.

Q. What is your present business ?—A. I am working at the Saint Louis Gas-Light Company.

Q. You have been an employé of this city, have you not ?—A. Yes, sir.

Q. Are you acquainted with William Hardwig ?—A. Yes, sir.

Q. How long have you known him ?—A. About 8 or 10 years.

79 Q. What is his reputation for truth and veracity in this city ?
—A. All the dealings I ever had with him, and ever heard about him—everything has been good.

Q. You know his reputation to be good in this community ?—A. Yes, sir.

Cross-examination by counsel for the contestee, Mr. DONOVAN :

Q. What did you ever hear good about him ?—A. I never heard anything bad about him ?

Q. Did Mr. Hardwig ask you to come up here ?—A. I was subpoenaed ; I got a subpoena by which I noticed that I was to be here.

Q. Where do you live, Mr. Harold ?—A. I live at 2350 South Eleventh street.

80 Q. Where does Mr. Hardwig live ?—A. Well, I think he lives up north now, he used to live on Christy avenue somewhere between Twelfth and Thirteenth ; he used to live there ; I don't know where he lives now, only that he is living out in Bremen some place, I don't know the place.

Q. Were you ever associated with him in business?—A. Yes, sir; I used to work with him.

Q. At what?—A. I used to be connected with him in the harbor department.

Q. How long were you employed with him in the harbor department?—A. I was about a year and a half, somewhere in that neighborhood.

81 Q. How long ago was that?—A. Well, that is some—I don't recollect the date—the time that Hickey was harbor-master.

Q. About how many years ago?—A. I guess it is about five or six years ago.

Q. Now, have you been associated with him since?—A. Yes, sir.

Q. At what?—A. Well, met him on the streets, conversed with him off and on, and met him at different times.

Q. You weren't associated in business?—A. No, sir; never associated with him in business.

Q. You haven't seen much of him within the last five or six years?—A. Yes, sir.

Q. Are you acquainted with his friends and neighbors?—A. 82 With his friends and neighbors? I know a good many of friends; I don't know whether I know a great many of his neighbors, where he is living.

Q. Do you know anything in relation to his discharge from the city employment?—A. Yes.

Q. What do you know about it?—A. He simply got a notification to quit, the same as I did; he was in the same department as I was in; he was in the upper district and I was in the middle district.

Q. I refer now to his removal from office for some corruption or misfeasance in the street-cleaning department?—A. I don't know anything of the kind.

Q. You never heard of that?—A. No, sir.

83 Q. Did you ever know that he was connected with the street-cleaning department?—A. Yes, sir.

Q. Do you know how he came to leave the street-cleaning department?—A. I don't know anything about that; I was not in that department at that time.

Q. You never heard of that?—A. I don't know anything about it, I say.

Q. Have you been associated with him in politics?—A. Yes, sir.

Q. In what respect?—A. Well, he belonged to the central committee at the same time I did.

Q. Were there any charges of gross betrayal of trust made against him while in that position?—A. I never heard of any, sir.

Q. This is the first that you ever heard that any such thing 84 was intimated; it was not hinted around the street as a matter of common notoriety?—A. I never heard of any charges.

Q. How often have you seen him during this year?—A. Oh, I have seen him off and on, sometimes once a week and sometimes once a month, and sometimes as often as twice a day.

Q. You are a friend of his?—A. Yes, sir.

By Mr. METCALFE:

Q. Is it not a fact that you and Mr. Hardwig left the positions which you had occupied, owing to the fact that they were abolished?—A. Yes, sir; that is what I wanted to tell about, that the appropriations seemed to be so small for the amount of men that is employed

5 and they abolished the positions of three assistant district superintendents.

By Mr. DONOVAN:

Q. You are now talking about the harbor department?—A. No, sir; the street department.

Q. Well, how did you come to leave the harbor department?—A. I resigned there; Hardwig was there at the same time; we both resigned to take these positions in the street department.

Q. Were you and Mr. Hardwig engaged in the same work in the street department?—A. He was in the southern district, and I was in the middle district.

Q. In the street department?—A. Yes, sir.

Q. And you were both invited to quit at the same time?—A. Yes, sir; there was three of us assistants; they abolished the office.

36 Q. And no charges of corruption made?—A. No, sir.

Q. None whatsoever?—A. No, sir; not as far as I know anything about.

Q. And you never heard that there was any such charges made?—A. I never heard of any.

Q. You have had no intimation that Mr. Hardwig was mixed up in any transaction whereby he was compelled to leave the employment at the city hall?—A. I don't know anything about it.

Q. And know nothing whatsoever?—A. No, sir.

Signature waived.

37 JUSTIN MCCARTHY was then called in rebuttal, by the contestant, deing duly sworn, on his oath deposes as follows, to wit:

By Mr. METCALFE:

Question. What is your full name, doctor?—Answer. Justin McCarthy.

Q. How long have you lived in the city?—A. Fourteen years.

Q. You are practicing medicine here?—A. Yes, sir.

Q. Are you acquainted with William E. Hardwig?—A. I am very well acquainted with him.

Q. How long have you known him?—A. Six or eight years.

38 Q. What is his reputation for truth and veracity in this community?—A. Well, I am acquainted, personally acquainted, with Mr. Hardwig for 6 or 8 years, and I never have known him to tell a lie; when I was a candidate for coroner, I put complete confidence in him; whatever he told me I put my money on.

Q. You know his reputation in this community to be good, do you not?—A. Yes, sir; very good; I never did hear anybody doubt it, except what I read the other day in the papers; I didn't pay no attention to that, because I have known him personally, and I did not believe anything of the kind; he has been my friend, and acted as my friend, and at a time, too, when there was money to be made on the other side.

He stuck to me through thick and thin.

89 Cross-examination by counsel for contestee, Mr. DONOVAN:

Q. He is a great friend of yours?—A. He is not a great friend, he is a man that I always believed what he said to me; I know something about the sweet 16th ward here—that Billy wouldn't go into the little crooked business that there was there; I can tell you of some of the Democratic dirty work that was done there, if you want to know it.

H. Mis. 27—175

Q. What did Billy have to do with the sweet 16th ward?—A. I don't know that he had anything to do with it.

Q. What reference are you now making to the sweet 16th ward?—

A. The dark lantern gang.

89½ Q. Was Billy a member of that?—A. I don't know; I was not a member of it, but I could have been if I had wanted to.

Q. What has that got to do with Billy's character?—A. Billy wouldn't go into anything that he couldn't tell his friends where he was going.

Q. You will swear by Billy?—A. I will swear to what he tells me, and believe that he will tell the truth; I have not the least doubt about him.

Q. Why do you mention some dirty work of the sweet 16th?—A. Because there was some evidence given here; because it was mentioned here by somebody that was interested in it, and who gave a prejudiced account of it.

Q. I want to hear all about that dirty work?

90 WITNESS. All right, go on.

Q. How often have you been running for office on the Democratic ticket?—A. You know that, Frank; you needn't ask me that.

Q. Haven't you been a chronic candidate for office on the Democratic ticket?—A. No; and who says so is a liar. I am not a chronic candidate, and who says so is a liar, and you can tell them so for me.

Q. I am asking you the question merely to get at a fact. I am asking you the question whether you have not been a chronic candidate for office since you have been in Saint Louis?—A. That don't amount to a d——n.

Q. Don't you know whether you were or not?—A. I know what I was.

91 Q. What were you?—A. I am an American citizen, pay my debts, and don't owe no s——n of a b——h anything; no lawyer or anybody else.

Q. Well, my question was, whether you weren't a chronic candidate for office?—A. You be d——d. Well, I am not.

Q. But, doctor, do you know whether you run for office or not?—A. Now, you know d——n well; what do you want my opinion for?

Q. How often have you run for office?

WITNESS. What office; what do you mean?

Q. Any office?—A. For coroner, I believe, by no secret leaders, and I have no secrets if elected to the office for which I run; I have it for of men whom I like; and I don't belong to any secret or
92 ganization, and don't belong to any political party. You want the political character of this man or his private character, which?

Q. It was simply in regard to his reputation for truth and veracity in this community?—A. His truth and veracity is a G—d d——n sight better than a great many lawyers that I know of.

Q. When you run for office did Billy always stand by you?—A. I never had any occasion to ask him to stand by me, but he came to me and stood by me like a little man.

Q. And he stood by you like a little man?—A. You bet by G—d he did.

93 Q. And you are going to stand by him?—I don't perjure myself for Billy Hardwig or any other G—d d——n man who wears hair; but I never heard a word against Billy's veracity, and I don't give a G—d d——n what your witnesses here may have said; I know Billy, and I believe him.

Q. He has been a friend to you, and, without any interest or prejudice, you have come up here to-day to testify to the reputation of your friend?—A. I have known Billy Hardwig for a number of years, and I have yet to hear, for the first time, that he ever gave his word and he didn't stick to it. I would just as lief believe his word as I would your oath; I don't believe he would tell you anything wrong.

34 Q. You might have quite a foundation for your affection for your friend, and yet you might be extravagant in your appreciation of his virtues; is that the nature of your relations with Mr. Hardwig?—A. My relations with Mr. Hardwig have been such that I have always found him to be a perfect little man.

Q. Always stood by his party?—A. He is—do you want to trip me up?

COUNSEL. No, no.

WITNESS. You might as well ask me whether I stood by my party the last time. No; I worked against Overstolz. I suppose Billy had the privilege to do the same thing, and did as he liked about it. I prefer his word a d—n sight more than I would the word of some who run for Congress.

35 Q. Wouldn't you prefer his word in preference to President Garfield's?—A. Now you are taking an unfair advantage of me; you know I am a personal friend of Graham Frost; but I saw this little man here (Mr. Sessinghaus) do something up there that the broad-clothed friends of Mr. Frost wouldn't think of doing. I can tell you all about it if you want to know it, but I want to avoid that; that is all dead and gone. I want to come back to the evidence in this case; just let me say that I believe that Billy's reputation for veracity is as good as any man's in this city, and a d—n sight better than some men I know. I don't believe he is a man that is capable of doing a dirty act, because

36 I have seen him tried a good many times. Now let that answer the question; don't, please, repeat the old story. I can tell some strange things if I should open the page, and things that you don't want to hear, either.

Q. If you have any pages we should like to hear them?

WITNESS. No, you don't.

Q. You may consider us all as inviting it?—A. I am talking now of the veracity of Mr. Hardwig, if that is done I want to get out of here.

Q. How often have you seen Billy Hardwig in the last year?—A. I don't suppose I have seen him three times; I don't suppose so.

37 Q. Your appreciation of him then is based on what he did for you some years ago, when you were running for office?—A. No, sir; my appreciation for the gentleman's veracity is that I have always found him honest and upright; I have never yet heard a man doubt his veracity. John Howard knows him; he was associated with him; he can tell you something about him; I never heard anybody doubt his veracity as a Democrat; I believe he is a perfectly square little man; why don't you go and send for some of his old associates, they will tell you something about him.

Q. Do they know anything good about him?—A. Well, nobody knows anything bad; why don't you send for them?

38 Q. I aint sending for anybody just now, I am asking you the question in regard to the reputation of Mr. Hardwig?—A. Let me tell you, Mr. Donovan; when I first came out for coroner I asked Mr. Hardwig if he would support me; he says, "You are entitled to something at the hands of the Democratic party of the city of Saint Louis," he says, "these bummers of elections will try to strip you, Doctor;" he

says, "your reputation will speak for you." He says, "don't give a d—n cent, you are entitled to something and you must have asked a number of my friends around at that time, if it was real what Mr. Hardwig had said to me, if he meant it, and was informed it really was the truth, they said "you stick to Hardwig :
 99 will bring you out." I got the nomination, but the Irish we carry me, the Dutch stuck to me, and Hardwig stuck to n

Q. How often did Hardwig stick to you for nomination when the cratic convention refused to give it to you?—A. Mr. Donovan know very well how often I have been before the convention.

Q. I say how often did he stick to you when the Democratic c tion refused to nominate you?—A. He was only in the conventio when I was before the party—when I was there, and he stuck to a little man, at least he stuck to me when there was a terril
 100 sension against me because my name was McCarthy, and pened to be born in a foreign country.

Q. You have grappled Mr. Hardwig to your soul with hooks of —A. I have always found him a man; if you want to know an more you may chip it in, that I have found his truth and veracit good; I think that the man that would appear to doubt Billy's and veracity ought to be d—n careful about what he says.

Q. What do you think of his running away with the ballot-bo
 A. I think it was a G—d d—n lie.

Q. What do you know about his discharge from the city hall f ruption in office?—A. Didn't Overstolz say he didn't know
 101 Madden intimately; now you want to know whether thi was counted out, that is a queer kind of a question to a

Q. What do you know about his being charged with being a s man when he was a member of the central committee?—A. I l that the man who accused him of doing so is a liar.

Q. What do you think about him as a Democratic worker, w for the Republican contestant in this contest?—A. He is an Am citizen and he can do as he d—n pleases.

By Mr. METCALFE :

Q. Doctor McCarthy, is it a fact that Mr. Hardwig ever was disch or, as you term it, kicked out from his position at the city l
 102 A. No, sir; he resigned; at least that is what I was told, him, but by all parties.

By Mr. DONOVAN :

Q. Who invited him to resign?—A. I don't know that anybody that anybody invited him to resign.

Q. Well, it was convenient on his part to resign at that time ?- will assure you he will tell you the truth if you will ask the ques him; those are private affairs that I never attempt to interfere w

Q. It was too tender a subject for you to inquire into?—A. d—n bit; if I thought I would gain any information I would asl I don't suppose it would amount to anything any way.

Signature waived.

Not being able to complete the taking of these depositions by of absence of other witnesses, I do now adjourn the further tal the same until to-morrow, Saturday, April 23, 1881, then to be con at the same place, at the hour of ten o'clock of the forenoon.

[SEAL.]

FRANK KRAFT,

Notary Public, City and County of Saint Louis,

*Term expires March 13, 1882.

No. 59.

1 Pursuant to adjournment, as above stated, on the 23d day of April, 1881, at the hour of ten o'clock in the forenoon of that day, I continued the taking of these depositions, as follows:

NICHOLAS BERG recalled in rebuttal.

By Mr. POLLARD:

Question. You are the city register, are you not?—Answer. Yes, sir.

Q. You have in your custody, as such city register, have you not, the poll books which were used by the judges of election on the last November election day in the third Congressional district?—A. I have now.

2 Q. I wish you would turn to poll book of election precinct thirty-seven, and tell me if you find the name thereon of William Nicholson?—A. Yes, sir.

Q. And his residence is what?—A. 1214 Lewis street.

Q. State whether the poll book shows whether he voted?

(Mr. Donovan, counsel for the contestee, objects to this question, and all testimony which Mr. Berg is about to give, for the reason that the same is not in rebuttal.)

By Mr. POLLARD:

Q. State whether or not the poll book shows whether this man voted?

—A. It does.

Q. Now, will you give me the number of his ballot, as shown on that poll book?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

WITNESS. 121.

By Mr. POLLARD:

3 Q. See if you find the name thereon of William Cronin, residence 1108 Broadway?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1108 Broadway.

By Mr. POLLARD:

Q. Does it state there whether he voted or not?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD:

Q. Give us his ballot number, if you please?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 112.

By Mr. POLLARD:

4 Q. Now, if you please, turn in the same book to the special registration list, by which I mean the list of those voters who registered at the poll on election day and voted; I mean on the second day of last November, and who voted; see if you find thereon the name of R. M. Lowry, 1117 Broadway?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. State whether or not he voted.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. Give us his registration number, please.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 292.

By Mr. POLLARD :

Q. And the ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 96.

By Mr. POLLARD :

Q. On the same list see if you find the name of Thomas Dolan, residence 1121 North Levee ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Thomas Dolan, 1121 North Levee.

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. Give us his registration number, please ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 295.

By Mr. POLLARD :

Q. What is the ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 105.

By Mr. POLLARD :

Q. Look on the same list and see if you find the name of William Lannigan, residence 1203 Collins street.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. William Lannigan, 1203 Collins street.

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD:

Q. What is his registration number, please?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 306.

By Mr. POLLARD:

Q. And his ballot number is what?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 141.

By Mr. POLLARD:

Q. Now, look on the same list for the name of George F. Glass.

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Here is George Glass.

By Mr. POLLARD:

Q. What's his residence?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1102 Broadway; he voted.

By Mr. POLLARD:

Q. What is the registration number, please?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 314.

By Mr. POLLARD:

Q. And his ballot number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 162.

By Mr. POLLARD:

Q. Do you find the name of James J. Moran at the same place, 1102 Broadway?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. James Moran, 1102 Broadway; registration number is 277, and ballot number 45.

By Mr. POLLARD:

Q. Have you the name there of James Papin, 166 Bogy street; that is on 39. I don't want that; see if you find on that book the name of William O'Brien, 300 Biddle street?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. I do not find his name.

By Mr. POLLARD:

Q. Now, take up the general registration, and see if you find thereon the name of F. Condon, 1254 Collins?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. It is not here on this book.

By Mr. POLLARD:

Q. Now, turn to 38 of the same election, and see if you find thereon the name of Thomas McMahon?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1547 North Second.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir; he voted;

By Mr. POLLARD:

Q. Give us his ballot number, please?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 183.

By Mr. POLLARD:

10 Q. What is the registration number given there?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 183, the same thing.

By Mr. POLLARD:

Q. Will you please see if you find in the same book, and on the last pages in the special registration on election day, the name of Robert Berry, 1511 North Main street; if so, what is his registration number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir; he is here; his registration number is 314.

By Mr. POLLARD:

Q. What is his ballot number?

(Mr. Donovan, counsel for the contestee, objects for the reasons already given, and for the further reason that the matters now inquired into have been previously gone over by Mr. Gonter, and will be found in full in the testimony in chief.)

11

By Mr. POLLARD:

Q. Do you find any ballot number attached to that number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. If it is in here at all; it must be this number; there is no other number, except 22 here.

By Mr. POLLARD:

Q. Look on the same list, and see if you find the name of William O'Connell, 1541 North Main?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. William O'Connell, 1541 North Main street; here he is.

By Mr. POLLARD:

Q. What is his registration number and his ballot number?

12 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. The registration number is 316; the ballot number is 24.

By Mr. POLLARD:

Q. On the same list, see if you find Theodore Cleney, 1425 Collins? Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Here is Klingers, 1425 Collins street.

By Mr. POLLARD:

Q. How is that spelled?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. K-l-i-n-g-e-r-s.

By Mr. POLLARD:

Q. What is his registration number?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 317, and his ballot number is 25.

By Mr. POLLARD:

Q. See if you find on the same list the name of Dennis O'Hara—on general list—as of 1301 North Second?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Dennis O'Hara, 1301 North Second.

By Mr. POLLARD:

Q. Did he vote?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD:

Q. What is his registration and ballot numbers?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 217 for both; O'Harra, Dennis, it is here.

By Mr. POLLARD:

Q. Look and see if you find on here the name of Frank Foster, 8 Broadway, on the special registration?

Mr. Donovan, counsel for the contestee, objects to this question, in addition to the objections already urged, that the name of Frank Foster is testified to twice by Mr. Gonter, and the testimony that is to be seen now by this witness is in chief, and is simply a repetition of what Gonter stated, and in rebuttal of nothing.)

By Mr. POLLARD:

Q. You find his name there, do you?

Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD:

Q. That is the special registration sheet, is it?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. What is the number of his registration ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. The registration is 336.

By Mr. POLLARD :

Q. What is the number of his vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 44.

By Mr. POLLARD :

16 Q. Do you on that same list find the name of John Devine, 305 O'Fallon street ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. John Devine, 305 O'Fallon.

By Mr. POLLARD :

Q. What is his registration number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 311.

By Mr. POLLARD :

Q. And his ballot number is what ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 19.

By Mr. POLLARD :

Q. Do you find on that list, the same that you have been examining, the name of John Barns, as of No. 18 Bates street ?

17 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. John Barns, 18 Bates street ; yes, sir ; he is here.

By Mr. POLLARD :

Q. What is his registration number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 304, and his ballot number is 12.

By Mr. POLLARD :

Q. Now, please turn to the registration list for precinct 41 ; the special registration.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. There is none in it.

By Mr. POLLARD :

18 Q. Your answer is, there is no special registration copied into this book ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. No, sir.

By Mr. POLLARD :

Q. Have you got special registration list for precinct 42 ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. No, sir; there is none.

By Mr. POLLARD :

Q. We want 44 next—have you got special registration for 43 there ?
I don't think you have, however.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. No, sir; I haven't got it—yes, there is one name here.

By Mr. POLLARD :

Q. Now, take up 44 next, please; is there a special registration for 44 ?

19 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. I don't see it—yes; here it is; it is not the correct list, because the residences are not given.

By Mr. POLLARD :

Q. You find, then, attached to poll-book 44, do you, a sheet of paper with a large number of names on it ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. It is not attached; it is laying in here; I suppose it belongs to it.

By Mr. POLLARD :

Q. Do you know whether it is a special registration for that precinct or not ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

20 A. I couldn't tell you anything about it.

By Mr. POLLARD :

Q. Are there prefixed to the names on that list certain numbers ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. And also affixed other numbers ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. All placed in there in writing ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

21 Q. See if you find on that list the name of Frank Reardon ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. It is here.

By Mr. POLLARD :

Q. What is the number affixed there ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 165.

By Mr. POLLARD :

Q. What is the ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 66.

By Mr. POLLARD :

Q. See if you find on that same list the name of B. McCullen ?

22 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. What is his registration number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 167.

By Mr. POLLARD :

Q. And his ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 94.

By Mr. POLLARD :

Q. Now turn please to the poll book of that precinct, by which I mean those names which were given to the judges. I mean who had registered before election day, and see if you find thereon the name of

James Kerwin ?

23 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir; he it is.

By Mr. POLLARD :

Q. What is his residence ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1600 North Ninth.

By Mr. POLLARD :

Q. What is his ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 92.

By Mr. POLLARD :

Q. And his registration number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 75.

By Mr. POLLARD :

Q. What is your next book ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. My next book is 49.

By Mr. POLLARD :

Q. Will you please turn now to the registration for precinct 48—the special registration.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. There is no special registration.

By Mr. POLLARD :

Q. See if you find on that book the name of Patrick McNamara ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Patrick McNamara.

By Mr. POLLARD :

Q. What is the ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

25 A. His residence is 708 Biddle street, his ballot number is 75, and his registration number 103.

By Mr. POLLARD :

Q. Look at it again and see if you find more than one Patrick McNamara ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. There are two McNamaras.

By Mr. POLLARD :

Q. What is the residence of the other Patrick McNamara ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. The same place, 708 Biddle.

By Mr. POLLARD :

Q. Did they both vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Both voted.

By Mr. POLLARD :

Q. What is his ballot number ?

26 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 129.

By Mr. POLLARD :

Q. And his registration ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 104.

By Mr. POLLARD :

Q. Look at the same list, and see if you find the name of Aaron Gibson ?

(Mr. Donovan, counsel for the contestee, objects to the question because it is not in rebuttal, but is matter in chief.)

A. Aaron Gibson.

By Mr. POLLARD :

Q. What is his residence ?

(Mr. Donovan, counsel for the contestee, objects to the question because it is not in rebuttal, but is matter in chief.)

A. 1124 North Ninth.

By Mr. POLLARD :

Q. Did he vote ?

27 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. Give us his registration and voting number.

(Mr. Donovan, counsel for the contestee, objects to the question because it is not in rebuttal, but is matter in chief.)

A. His registration number is 55, his voting number is 25.

By Mr. POLLARD :

Q. Now, I will ask you to turn to 42 once more. We see we skipped a number. See if you can find on the registration list of precinct number 42 the name of John Cain ?

(Mr. Donovan, counsel for the contestee, objects to the question because it is not in rebuttal, but is matter in chief.)

A. 1218 North Seventh street, it is here.

By Mr. POLLARD :

Q. Did he vote ?

28 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. What is his registration number ?

(Mr. Donovan, counsel for the contestee, objects to the question because it is not in rebuttal, but is matter in chief.)

A. His registration number is 18.

By Mr. POLLARD :

Q. What is his ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question because it is not in rebuttal, but is matter in chief.)

A. 18.

By Mr. POLLARD :

Q. See if you find on that same list another man who spells precisely the same as John Cain ?

(Mr. Donovan, counsel for the contestee, objects to the question because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. What is his residence ?

29 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. His residence is 1218 North Seventh.

By Mr. POLLARD:

Q. Both in the same number?

(Mr. Donovan, counsel for the contestee, objects to the question, because, it is not in rebuttal, but is matter in chief.)

A. The same number.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because, it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD:

Q. What is his registration and his ballot number?

(Mr. Donovan, counsel for the contestee, objects to the question, because, it is not in rebuttal, but is matter in chief.)

A. His registration number is 19, and his ballot number is 19.

30

By Mr. POLLARD:

Q. The next is 49. Is the ballot number given on the list of poll book 49, for those who specially registered on election day?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. There is no ballot number on the book at all.

By Mr. POLLARD:

Q. Now, turn to poll book for precinct 50, and see if you find on the general registration list of that precinct the name of M. Kehoe?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. M. Kehoe; yes, here it is.

By Mr. POLLARD:

Q. What is his residence and number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

31 A. 1328 North Eighth street.

By Mr. POLLARD:

Q. State what appears against several of the names there, a large proportion of them?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

32 A. A check mark.

By Mr. POLLARD:

Q. Is there a check mark against this man's name?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD:

Q. Now, look, please, and see if you find the name of Michael Kehoe on the same list, with the same check mark against his name, as residing at 1338 North Eighth street?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. I guess not; there is a check down here, but no word voted.

By Mr. POLLARD :

Q. Is the word voted written against the name of any man on that book ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. No, sir; I can't see it.

A. Yes, sir; correct 1338 North Eighth, there is no ballot number given, the registration number of one is 168; Michael Kehoe is 169.

By Mr. POLLARD :

Q. State if on the same list you find the name of John Magner. 1319 North Seventh ?

33 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. Is there a check mark against his name ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. See if you find, on the same book, the name of John McKeown, how do you spell it ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. McK-e-o-w-n, 1319 North Seventh.

By Mr. POLLARD :

Q. And is there a check mark against his name ?

34 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. There is a check mark against his name.

By Mr. POLLARD :

Q. What do those check marks indicate ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. I don't know.

By Mr. POLLARD :

Q. What is your judgment about that ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. My opinion is that it is intended that they voted, but I don't know what it means.

By Mr. POLLARD :

Q. Now, turn, please, to the back of the book, where the certificates of the officials are, and tell me whether they designate therein
35 the number of votes that were cast at that poll ?

Mr. DONOVAN. I object to this question, in addition to the

reasons above stated, for the further reason that not only was this matter gone over in chief, but that it is in rebuttal of nothing introduced by the contestee.

Mr. POLLARD. It does show, does it not?

Mr. DONOVAN. And the gentleman well knows the fact that in the absence of witnesses he is amusing himself in this way.

Mr. POLLARD. We propose to withhold our argument until we are through with the testimony. (To the witness.) It shows how many ballots were cast in that precinct.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

36 A. 296.

By Mr. POLLARD:

Q. Now, will you please turn to precinct 52; see if you find the name thereon of John Woods?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1323 North Ninth.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD:

Q. What is his registration and ballot number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. His registration number is 252, and his ballot number is 152.

By Mr. POLLARD:

Q. See if you find the name thereon of John F. Woods?

37 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. I find the name of John Francis Woods.

By Mr. POLLARD:

Q. What is the residence of John Francis Woods?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1211 North Ninth street.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted, too.

By Mr. POLLARD:

Q. What is the registration number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 253.

38 By Mr. POLLARD:

Q. And what is the ballot number?

H. Mis. 27—176

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 110.

By Mr. POLLARD:

Q. Look on that book and see if you find the name of John Reilly?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. I do not find the name.

By Mr. POLLARD:

Q. You do not find the name of John Reilly on the general list, and that book does not contain a special list?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. There is no special registration in it at all.

By Mr. POLLARD:

39 Q. Please now turn to poll book, precinct 54, and see if you find the name thereon of John Sweeney?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. John Sweeney, 1012 Carr street.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD:

Q. Give his registration number please, and his ballot number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Registration number 138, ballot number 79.

By Mr. POLLARD:

40 Q. Now, please turn to poll book, precinct 55, and see if you find thereon the name of Alexander Moffitt, with residence, 1405 North Tenth street?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. A. F. Maffitt is here.

By Mr. POLLARD:

Q. What is his residence?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1405 North Tenth street.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD:

Q. What is his registration number and his ballot number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Registration number is 177, his ballot number is 115.

By Mr. POLLARD :

Q. Now, please look at that book number 71. One moment, we may not want to examine you upon that at all. Please turn to the special registration list in that book and see if you find thereon the name of A. G. Bromley ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. A. G. Bromley ; yes, sir.

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

42 Q. Give his residence, please.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 2520 Broadway.

By Mr. POLLARD :

Q. What is his registration number and his ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. His registration number is 174 and his ballot number is 64.

Mr. DONOVAN. I object to that for the reason heretofore stated, and for the further reason that Mr. Gonter has given that testimony in full and that there is no testimony in this record concerning this man.

By Mr. POLLARD :

43 Q. See if you find on the same list the name of John Mahoney, 315 Benton street, special registration ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Here is a name Mahoney, but no given name given, 315 Benton street.

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. What is his registration number and his ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

44 A. His registration number is 176, his ballot number is 76.

Mr. DONOVAN. I again object for the reason that there are about one hundred Mahoney's in our directory, and no Christian name appears opposite the name of this gentleman.

By Mr. POLLARD :

Q. See if you find the name thereon of F. Edgett and his residence ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. F. Edgett, 28 North Market street.

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

Q. What is his registration number and his ballot number ?

45 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. His registration number is 177, his ballot number 115.

By Mr. POLLARD :

Q. Now, please turn to poll book of precinct 73 and see if you find the name thereon of William Moore, general registration ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. William W. Moore.

By Mr. POLLARD :

Q. What is his residence ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 2304 North 11th street.

By Mr. POLLARD :

Q. Did he vote ?

46 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. His registration number and his ballot number, please ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. His registration number is 188, his ballot number 53.

Mr. DONOVAN. I object to that testimony, for the reason that he was refused on account of his being stricken from the list, and that it was testified to by Mr. Allen that his vote was in his hands, and not in the poll books.

By Mr. POLLARD :

Q. Now turn to poll book of precinct 117, and see if the ballot numbers are indicated on that book.

47 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. No, sir ; they are not ; there are no ballot numbers indicated in this book ; only the word voted is put down opposite.

By Mr. POLLARD :

Q. Will you please turn to poll book of precinct 120, and see if the ballot numbers are given in that book. Please state whether there are any ballot numbers given there.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. Are they given against the name of each one who voted ?

48 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. No, sir.

By Mr. POLLARD:

Q. They are given against the names of about one-tenth of those who voted?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Not even that.

By Mr. POLLARD:

Q. Will you please now turn to poll book for precinct 124, and tell me if the ballot numbers are given on that book?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. None whatsoever.

By Mr. POLLARD:

Q. See if you find on that list the name of Stephen Howard, with residence 2116 Division street.

49 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Stephen Howard, 2116 Division street.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD:

Q. What is his registration number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 138.

By Mr. POLLARD:

Q. See if you find on there another man precisely like that of Stephen Howard.

50 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir; there is another one here.

By Mr. POLLARD:

Q. What is his residence?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 2116 Division street.

Mr. DONOVAN. I again object to these gentlemen endeavoring to prove that there was but one Stephen Howard, for the reason heretofore given, that this testimony is not in rebuttal of anything.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. What is his registration number ?

51 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 139.

By Mr. POLLARD :

Q. See if you find thereon the name of James Smyth, 2118 Biddle street.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Here is James Smyth, 2118 Biddle street.

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted ; registration number is 272.

By Mr. POLLARD :

Q. See if you find another name precisely like that thereon, James Smyth.

52 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. What is his residence ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 2124 Biddle street.

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. His registration number.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 273.

53 Mr. DONOVAN. I again object, for the reason that this testimony is not in rebuttal of anything, and is simply introduced here for the purpose of consuming time that might be otherwise better employed, and for the further reason that the counsel for the contestant seems to regard that but one Smyth ought to live in a large city like this.

By Mr. POLLARD :

Q. Turn now, please, to poll book for precinct 125, and see if you find the name thereon of John Gibbin.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. John Gibbin, 2315 Division street.

By Mr. POLLARD :

Q. What is his registration number and his ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. The registration number is 95; ballot number, 128.

By Mr. POLLARD:

Q. Now, will you please turn to poll book precinct 127, and see
54 if you find the name thereon of John Lawless, and give his residence?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. John Lawless, 1418 North Fourteenth.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD:

Q. His registration number is what?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 122.

By Mr. POLLARD:

Q. His ballot number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 179.

By Mr. POLLARD:

55 Q. See if you find on the special registration of precinct 129 the name of Michael O'Leary.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Michael O'Leary.

By Mr. POLLARD:

Q. What is his ballot number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 36.

By Mr. POLLARD:

Q. What is his residence?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1331 North Seventeenth street.

By Mr. DONOVAN:

Q. It is not marked voted?—A. No, sir; it is not marked voted; the ballot number is placed down there.

By Mr. POLLARD:

Q. Is it not a fact if the ballot number is given there, then
56 he must have voted?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. I can't tell; I suppose so.

By Mr. POLLARD :

Q. See if you find in this same poll book of precinct 129 the name of James Carroll ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. James Carroll.

By Mr. POLLARD :

Q. Give his residence, please.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1413 North Eighteenth street.

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

57 A. He voted ; registration number is 18 ; ballot number, 153.

Mr. DONOVAN. I again repeat my objection, that this testimony is in rebuttal of nothing ; that it is introduced here for the purpose of attempting to consume time that might be better employed, and for the further reason that the only object of counsel is to make this record a city directory, to make up in bulk what it lacks in fact.

Mr. POLLARD. A man who interjects so many speeches in his record has not a great regard for his time. (To the witness :) See if you find on the same book the name of Jeremiah Carroll.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir.

By Mr. POLLARD :

Q. What is his residence ?

58 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1412 North Eighteenth street.

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. Registration and ballot numbers ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. His registration number is 19 and his ballot number is 118.

By Mr. POLLARD :

Q. See if you find on that same poll book the name of Jerry Savage ; yes, on the special registration ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

59 A. I find J. Savage, and his residence is Eighteenth and O'Fallon street.

By Mr. POLLARD :

Q. What is his ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. That is 135.

By Mr. POLLARD:

Q. Now, turn to the list and see if you find the name of John Savage?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir; John Savage.

By Mr. POLLARD:

Q. What is his residence?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1410 North Eighteenth street.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

60 A. Yes, sir; he voted.

By Mr. POLLARD:

Q. What is his registration number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 148.

By Mr. POLLARD:

Q. And his ballot number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 123.

By Mr. POLLARD:

Q. See if you find the name thereon of Pat. Leaky?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Patrick Leaky.

By Mr. POLLARD:

Q. What is his residence?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

61 A. 1420 North Eighteenth street.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD:

Q. What are his registration and ballot numbers?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Registration number is 106, ballot number 138.

By Mr. POLLARD:

Q. See if you find the name of Timothy Leaky?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Leehy it is here.

By Mr. POLLARD:

Q. How do you spell it?

62 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. L-e-e-h-y.

By Mr. POLLARD:

Q. What is his residence?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1414 North Eighteenth street.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD:

Q. What is his registration and his ballot number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. His registration number is 105, and his ballot number is 70.

By Mr. POLLARD:

63 Q. Will you please turn to poll book for precinct 130; turn to that part of the book showing the names of those who registered prior to the election day and see if you find thereon the name of Tim. Hanagan?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Tim Hanagan.

By Mr. POLLARD:

Q. Give us his residence.

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. His residence is 1444 North Twenty-second street.

By Mr. POLLARD:

Q. Did he vote?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

64 A. He voted.

By Mr. POLLARD:

Q. What is his registration number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 97.

By Mr. POLLARD:

Q. What is his ballot number?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 37.

By Mr. POLLARD :

Q. Now, turn please to the special registration of the same precinct, and see if you find the name of Tim Hanagan ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Tim Hanagan is here.

By Mr. POLLARD :

Q. Residence ?

65 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 1414 North Twenty-second street.

By Mr. POLLARD :

Q. Did he vote ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. Please give us his registration number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 218.

By Mr. POLLARD :

Q. And his ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 127.

By Mr. POLLARD :

66 Q. Please, now, turn to poll book of precinct 134, and tell me if you find therein a list of those who specially registered on election day ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. I have a book here—there is a list here, but it is not attached to the book.

By Mr. POLLARD :

Q. You find it in the book, do you ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir; in the book.

By Mr. POLLARD :

Q. It is not a list indicating the names of various people with their addresses and the word voted placed against them with their registration ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

67 A. Yes, sir.

By Mr. POLLARD :

Q. See if you find the name of Bernard R. Sweeny on that list; residence, 2211 Cass avenue ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. R. R. Sweeny, 2111 Cass avenue.

By Mr. POLLARD :

Q. Has he voted ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He is marked voted.

By Mr. POLLARD :

Q. What is his registration number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

68 A. 315.

By Mr. POLLARD :

Q. Is there any ballot number attached ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. There is no ballot number attached to it.

By Mr. POLLARD :

Q. Please, now, turn to poll book for precinct 212, and see if you find thereon the name of Edward Reagan, and what is his residence ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. His residence is 2909 Cass avenue.

By Mr. POLLARD :

Q. Did he vote ?

69 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. Please give his registration number and his ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. His registration number is 217 and his ballot number is 105.

By Mr. POLLARD :

Q. See if you find on the same list the name of Barney Sankey, 2913 Cass avenue ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. Yes, sir ; it is ; Barney Sankey, 2913 Cass avenue.

By Mr. POLLARD :

Q. Did he vote ?

70 (Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. He voted.

By Mr. POLLARD :

Q. What is his registration and his ballot number ?

(Mr. Donovan, counsel for the contestee, objects to the question, because it is not in rebuttal, but is matter in chief.)

A. 226 is his registration number, and 83 his ballot number.

By Mr. POLLARD :

Q. I want to know, now, Mr. Berg, if you are the custodian of the ballots which were polled in this district—the third Congressional district?—A. I am, sir.

Q. Where are those ballots kept?—A. They are kept in the city hall.

71 Q. Whereabouts?—A. In a separate room, up in the third story.

Q. State in what condition they are kept, with reference to their security.—A. I think they are secure. There is a double lock on the door.

Q. Who has access to that room?—A. Nobody but myself.

Q. Who has a duplicate key to that office?—A. I don't know as anybody has got a duplicate key.

Q. No one but yourself?—A. No, sir.

Q. Where do you keep that key?—A. In the safe.

Q. Who has access to that part of the safe where the key is kept?—A. Nobody. I have the key in my pocket.

Q. Is that room used for any other purpose, except the storing of the ballots?—A. No, sir.

72 Q. And no one has occasion to visit it?—A. No, sir.

Q. I wish you would state now, generally, whether the ballots are kept in a safe and secure manner, free from possibility of being tampered with?

(Mr. Donovan, counsel for the contestee, objects to the question, for the reason that the witness has only been in office about one week and one day, and is not familiar either with the security of the room or the number of keys that might be in existence that would give admission to the room.)

(Question read to the witness.)

A. I think they are; that is my opinion.

Cross-examination by Mr. DONOVAN, counsel for the contestee:

73 Q. When were you elected to office, Mr. Berg?—A. I was elected the first Tuesday in April. Last Thursday a week ago I assumed the duties of the office.

Q. Have you ever been in this ballot-room?—A. Yes, sir.

Q. When?—A. I think, to my recollection, it was last Saturday—to-day a week.

Q. Do you know how many keys there are to the room?—A. I know only that I got a key. I don't know whether anybody else has got a key or not. They were delivered to me by Mr. Walsh.

Q. You succeeded a Democrat in office?—A. Yes, sir.

Q. Did you inquire of him how many keys there were to that room?—A. No, sir.

Q. So, then, you are not able to state whether there are duplicate keys to the room or not?—A. No, sir.

Q. There are duplicate keys to many rooms that you have occasion to visit, are there not?—A. Oh, yes. To my office there are quite a lot.

Q. How many keys are there to that?—A. Well, I know there are two.

Q. Do you know how many keys there are to this ballot-room?—A. I don't know of any other key but mine, because I have got that myself.

Q. Although there may be others without your knowledge?—A. Oh, certainly; I can't tell that.

Q. Whereabouts is that room?—A. In the third story in the
75 city hall.

Q. State whether or not this city hall is a very flimsy building, and very poorly constructed.—A. I can't judge of that.

Q. Well, it was erected in a very short space of time?—A. That is more than I know.

Q. In your judgment, it is not a strong building?—A. No, sir; it is not.

Q. And the doors to it are of the cheapest construction—pine doors?—A. Well, I can't tell that. There is good doors.

Q. But they are common, ordinary house doors, are they not?—A. Yes, sir; they are.

Q. There are no bars to the windows, are there?—A. No, sir.

Q. As to what may have happened to these ballots prior to
76 your admission into the office, of course you don't know.—A. No, sir; no, sir.

Q. How large is this room in which these ballots are stored?—A. I guess it's a room something like 18 by 18, to my best judgment.

Q. Are the rooms on the floor contiguous occupied?—A. No, sir; they are not occupied.

Q. It is a sort of a garret, isn't it?—A. Sort of a garret.

Q. Mr. Berg, I wish you would turn to poll book 46; will you please do so?

Mr. POLLARD. We object to that, and instruct the witness here now that we will follow the precedent that was set by the contestee in this case; he drove us to a vast amount of work by simply refusing us the privilege of examining his witness concerning one of the poll
77 books which he, the counsel for the contestee, had not examined him about; and inasmuch as we have not now examined this witness about poll book 46, I object to any testimony concerning that book, and I instruct the witness not to answer the question.

The WITNESS. I will present the poll book 46, unless the court objects.

Mr. POLLARD. We object, for the reason that heretofore when a good Democrat was on the witness-stand, and he had brought his books here, as this witness has, we asked him to testify concerning a book on cross-examination, which he had not testified about at the instance of
78 the contestee; he, the contestee's counsel, objected, and the witness did not answer the question, and under the ruling of the notary, he was not compelled or required to answer, and now we ask the same courtesy in this case.

Mr. METCALFE. We didn't ask about that poll book at all.

Mr. DONOVAN. Inasmuch as the witness concerning whom the counsel for the contestant speaks was not subpoenaed to bring the books concerning which he, the counsel for the contestant, wished to inquire, and the witness had only brought them, not at the solicitation of the contestee's counsel, but at the polite request of the gentleman having charge of the contestant's case, the witness found that those books were not properly before the court, and being so directed by me, as
79 counsel for the contestee, did then and there decline to produce such books, I will now ask Mr. Berg this question: Whether you have not brought all of the poll books with you this morning in answer to a subpoena, or a request from the gentlemen conducting this case for the contestant?

Mr. POLLARD. I instruct the witness to answer no question concerning any other books than those which we have asked him about.

Mr. METCALFE. He has no right to ask for any other.

Mr. POLLARD. The witness, Mr. Gonter, did bring those books upon our request, and had them there in the presence of the court, and had them open at the page containing the names which we desired to ask him about, but at the instance of the counsel for the contestee
80 he refused to answer any questions, and no questions were answered by him from those books.

Mr. DONOVAN. The gentleman is exceedingly nervous about me making any inquiry in regard to the poll book from one of the very strong Republican wards of the city. I have only to ask you, Mr. Berg, whether you have brought all the poll books in the district?

The WITNESS. Yes, sir.

Q. Where are they?—A. They are here; they were in my possession a little while ago.

Q. Who took the poll books away from you?—A. Mr. Metcalfe.

Q. Do you know why he took them away from you?—A. No, sir; I do not.

81 Q. Do you know what the Republican majority was in that precinct, number 46?—A. No, sir; I do not.

Q. Do you know whether the names in that book are marked off or not?—A. I do not.

Q. Will you please turn to the poll book of precinct 47, another of the strong Republican precincts, and inform me as to whether or not besides the names of voters the word voted is marked thereon?

(Mr. Pollard, counsel for the contestant, objects to the question, because the witness was not asked by us concerning that book.)

The WITNESS. I can't tell.

By Mr. DONOVAN:

Q. Why can't you tell?—A. I haven't got the book.

82 Q. Can you not get the book?—A. I suppose so.

Q. Will you please get it?

Mr. POLLARD. I again object, and right now instruct the witness not to do so, for the reasons heretofore stated. I don't want to fill the record with repeated objections and instructions to the witness.

By Mr. DONOVAN:

Q. Will you please turn to precinct 51, another strong Republican precinct, and inform me whether or not the word voted is marked opposite the name of the voters on that book?—A. I am in the same fix as before.

Q. And you don't like it?—A. I can't help it.

Q. You regard it as a very strange proceeding, don't you?—A. I think so.

83 Q. You are custodian of those books, are you not, Mr. Berg?—A. I am.

Q. How does Mr. Metcalfe, an outsider in this matter, come, for the time being, to be the custodian of those books?

Mr. POLLARD. Mr. Metcalfe is not the custodian; we object to that.

The WITNESS. The books are here in the room.

By Mr. DONOVAN:

Q. Do you know where they are?—A. I don't know exactly, but I suppose they are laying back there.

Q. Are they hid here anywhere?—A. No, sir.

Q. Are they in sight?—A. I can't see them.

Q. Now, will you please turn to precinct book 70 ?

Mr. METCALFE. He hasn't got it.

The WITNESS. I haven't got that here.

84 By Mr. DONOVAN :

Q. You are in the same fix regarding that ?—A. Yes, sir; same fix.

Q. Now, will you please turn to precinct 71 ?—A. I have got that

Q. Will you please tell me what is the certified vote there for members of Congress ?

Mr. POLLARD. I object to that question, because the gentleman already proven identically the same thing; because he kept us here night until midnight proving the voters in this precinct and others.

Mr. DONOVAN. Well, I object to this whole proceeding, inasmuch not a word that Mr. Berg has been stating has been in rebuttal of anything that I introduced, and it has been simply in regard to names that have been gone over and over again by both Walsh and Mr. Gonter; but since the contestant has seen fit to introduce the testimony it is my privilege to cross-examine the gentleman.

Q. What is the vote for Congress as appears in that strong Republican precinct ?—A. For Graham Frost, 48 votes; for Gustavus Singhaus, 104 votes.

Q. Now, will you please turn to precinct 72 ?—A. I have not that.

Q. Where is it ?—A. Actually I don't know; that has been away.

Q. Will these gentlemen allow you to look at precinct 74, another strong Republican precinct ?

Mr. POLLARD. These gentlemen have no custody or care of these books, and the counsel for the contestee well knows it.

A. I have not got that; I am in the same fix with that, Donovan; if they would allow me I would do so.

Mr. METCALFE. No; we will not.

By Mr. DONOVAN :

Q. Are not those books designed to be in your possession, and not the possession of the counsel for the contestant ?—A. I should think

Q. Do you know why they deprive you of their custody, since have brought them here to this office ?

Mr. POLLARD. I object to that, because we have not deprived him the books; because we have simply asked him to do exactly the witness for the contestee did; that is, refused to be examined on books that he was not examined about in chief.

By Mr. DONOVAN :

Q. Mr. Berg, it is not with your consent that the counsel for the contestant has snatched these books from your possession ?—A. No, sir.

Q. Now you can't tell me the vote in that precinct for Congress A. I can't.

Q. You can't tell me whether opposite the names of those who voted the word voted is marked ?—A. No, sir.

Q. You could give me that information if you had the book here A. Why, certainly.

Q. Now, will you please turn to precinct 83 ?

Mr. METCALFE. He hasn't got that.

The WITNESS. That is not here.

By Mr. DONOVAN:

88 Q. So you can give me no information about that?—A. No, sir.

Q. In a good many of these books; in many of the districts, the word voted was omitted by many of the judges?—A. I can't tell, I haven't examined them.

Q. But many of them were negligent in that respect?—A. Yes, sir.

Q. And in Republican as well as Democratic wards?—A. I couldn't tell what they were.

Q. Now, will you please turn to precinct 85?—A. I haven't got that; 117 is the next one.

Q. Is that another of those books that these gentlemen have assumed charge of?—A. Yes, sir.

Q. They have got that book too, have they?—A. Yes, sir.

89 Q. Now, will you turn to precinct 117?—A. Here it is.

Q. In that Republican precinct, will you please tell me the vote for Congress?—A. Frost, 110; Sessinghaus, 143.

Q. Now, will you please turn to precinct 119?—A. I haven't got that.

Q. Now, where is that?—A. I guess it's with the balance.

Q. You don't know where the balance is?—A. No, sir.

Q. They are in here, somewhere?—A. Well, I think so.

Q. Will you please turn to precinct 134?—A. Here it is.

Q. Will you please tell me the vote for Congress in that precinct?—A. Frost, 107; Sessinghaus, 124; D. O'Connell, 6.

Q. Is there a special registration sheet attached to that book?

90 —A. There is not.

Q. What is this that you find here, on a piece of foolscap paper?—A. I judge it's a special registration.

Q. Do you know what it is?—A. Well, I couldn't swear to it.

Q. It is not attached to the book?—A. No, sir; it is not.

Q. Do you know who put it there?—A. No, sir.

Q. You don't know who wrote that?—A. No, sir.

Q. Is there any indication about that special registration that it is official?—A. Nothing at all.

Q. It may have been put in there by the office boy?—A. That may be.

Q. There is no certificate whatsoever attached to it, is there?—A. No, sir.

Q. It is a lot of names written on a piece of foolscap paper?—

91 A. Yes, sir.

Q. In no manner connected with the books?—A. No, sir.

Q. And just slipped in here?—A. Yes, sir; just slipped in here.

Q. But you just find it lying in there?—A. I just find it lying in there.

Q. Now, have you got precinct 141?—A. No, sir.

Q. You are in the same fix with that as with the balance?—A. Yes, sir.

Q. Have you got precinct 142?—A. No, sir.

Q. Is that gobbled up like the others?—A. The same way.

Q. Have you got precinct 143?—A. No, sir; I have got none until 212.

92 Q. Have you got any idea, Mr. Berg, why they snatched away from you the books in those strong Republican precincts?—A. Not the least bit.

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Q. You never asked them to do anything of this kind, did you?—A. Oh, no, sir.

Q. Have you got precinct 144? That is sequestered in like manner by these gentlemen?—A. Yes, sir.

Q. Have you got precinct 145?—A. No, sir.

Mr. POLLARD. I object, because the witness has already stated that he has none between 134 and 212.

The WITNESS. Between that I haven't got them.

By Mr. DONOVAN:

Q. Will you be good enough to politely request these gentlemen to hand you these books of which you are the legal custodian, and the validity of which will hereafter be called in question if they are to be placed in the hands of strangers to their custody.

Mr. POLLARD. I object to any such statement or proposition, for the gentleman well knows that they are inserted at this point for effect upon the committee, and the gentleman knows perfectly well that he absolutely refused to permit his witness to testify concerning books which had been examined by him in chief.

Mr. DONOVAN. What Mr. Gonter refused to testify regarding was in regard to books that were not brought into court under any process known to the law; still, he retained the custody of the books; had them before his eyes, upon the table; but in this case parties that are strangers to their custody, and interested in seating the contestant, have robbed Mr. Berg, the custodian of these books, and have taken them and hidden them away, so that Mr. Berg does not know where they are.

Mr. POLLARD. Mr. Gonter, in the first place, brought those books, the same as this witness has brought his, at my request. They were not in the hands of Mr. Gonter; but were on many occasions in the hands of the attorney for contestee, and were frequently given to and left in the custody of the contestee for hours and hours, while Mr. Gonter their custodian was absent from the office, and when he returned the counsel for the contestee procured the books and placed them in the hands of the witness, Gonter. He thereupon absolutely refused, at the instance and instigation of the counsel for the contestee, to be examined concerning the same; and he was not examined about them.

Mr. DONOVAN. Inasmuch as there is absolutely nothing whatsoever in the statement, this is a most unwarranted proceeding to deprive the legal custodian of these books of their charge, and I shall certainly hold before the committee that the books are in a condition to be tampered with in a way that would nullify the results of the election held on the second day of November last, in this city.

Mr. POLLARD. I will add this, that Mr. Gonter did leave those books in the office for the contestee over night, when he was away from there—miles away from there.

Mr. DONOVAN. That is news to me.

Mr. POLLARD. He did do so; he did leave them in the office for the counsel for the contestee, while the witness Gonter attended with the counsel for the contestant the inauguration of the present city government, and was absent to my positive knowledge more than one hour.

Mr. DONOVAN. The whole matter is news to me, until Mr. Metcalfe, one of the counsel for the contestant, informs me that he placed the books in the safe himself.

Mr. METCALFE. I made no such statement. I said that I assisted Mr. Conroy in taking the books and putting them in the office, and I saw Mr. Conroy put them into the safe himself; that is the statement I made; I don't propose that you shall purposely mistake my remarks.

Mr. DONOVAN. Well, between Mr. Gonter and Mr. Metcalfe, and at his solicitation, they were deposited in my safe without my
97 knowledge, and I was utterly unaware that they were there, while Mr. Gonter was attending for one hour the inauguration.

Mr. METCALFE. I say that I know of my own knowledge that those papers were in Mr. Donovan's office over night; that I know that to be a fact.

By Mr. DONOVAN:

Q. Will you please turn now to precinct 144; have I asked you for that?—A. I haven't got that; that is in the same fix.

Q. Will you please turn to precinct 148?—A. I haven't got that.

Q. Is that in the same fix?—A. Yes, sir.

Q. Will you please turn to precinct 149, another strong Republican precinct?—A. I haven't got that.

Q. Do you know whether the word voted is opposite to the voters' names in that precinct?—A. No, sir; I don't know.

98 Q. You don't know anything about it?—A. No, sir.

Q. Will you please turn to precinct 151?—A. I haven't got it; that is in the same fix.

Q. Will you turn to precinct 153, another strong Republican precinct?—A. In the same fix; I haven't got it.

Q. And you can't tell whether these rules were complied with or not?—A. I can't tell.

Q. You are willing so to testify if the gentleman will give you the books?—A. Certainly.

Q. Will you please turn to precinct 165?—A. I haven't got that.

99 Q. Will you please turn to precinct 166, another strong Republican precinct, and tell me whether the word voted is placed opposite the voter's name?—A. I haven't got that book; I can't tell you.

Q. Is 168 in the same fix; can you tell me whether the word voted is marked opposite the names?—A. I can't tell you anything about it.

Q. Will you please turn to precinct 211?—A. I haven't that, neither.

Q. Have you got 211?—A. No, sir; I haven't got 211.

Q. Will you please turn to precinct 219?—A. I can't do it; that is in the same fix.

Q. Haven't you got it?—A. No, sir.

Q. Has that been robbed from you?—A. Yes, sir; that has been robbed from me.

Q. Can you turn to precinct 222?—A. No, sir.

Q. Or precinct 241, another strong Republican precinct?—A. No, sir.

100 Q. Or precinct 244?—A. No, sir; I can't.

Q. Have you got none of those?—A. No, sir.

Q. They are secreted in here somewhere?—A. I guess so.

Q. Do you know in whose hands they are at present?—A. No; I don't.

Q. Mr. Berg, have you not got some objection to these gentlemen taking these books away in that style; that was not done with your consent, was it?

Mr. POLLARD. I object to that question. The gentleman well knows

—the counsel for the contestee—that the books have not been filched; have not even been taken out of the room, and that they are in plain sight.

Mr. DONOVAN. If they are in plain sight there are a dozen gentlemen that would like to have a view of them.

101 Q. Are they in your sight, Mr. Berg?—A. I can't see them.

Q. You do not consent to these gentlemen taking these books away from you?—A. No, sir.

Q. And disapprove of such an action, inasmuch as you are the legal custodian of these books?—A. I do, sir.

Signature waived.

101½ In the House of Representatives 47th Congress.

GUSTAVUS SESSINGHAUS }
vs. }
R. GRAHAM FROST. }

SAINT LOUIS, April 23, 1881.

It is hereby mutually agreed and stipulated between the parties contestant and contestee, by their respective attorneys in this cause.

1st. That all stipulations and agreements as appearing in the foregoing testimony and depositions are hereby ratified and indorsed without further attestation of the respective parties, contestant and contestee, or their attorneys, by signature or otherwise.

2nd. That parties contestant and contestee waive any and all exceptions to sending these depositions by express to the Clerk of the House of Representatives of the United States, Washington, D. C., in-
102 stead of by mail, but expressly consent and agree thereto.

3d. That a certificate of the due commission and qualification of Frank Kraft, as notary public in and for the city of St. Louis, and State of Missouri, is waived.

4th. All agreements made by counsel for contestee, to facilitate the taking of testimony for contestant, or for the convenience of witnesses shall also apply to the depositions taken by contestee.

DONOVAN & CONROY.

Counsel for Contestee.

L. S. METCALFE, Jr.,

H. M. POLLARD,

Counsel for Contestant.

103 I, Frank Kraft, notary public within and for the city (and county) of Saint Louis, and State of Missouri, do hereby certify that in pursuance of the foregoing and annexed notices to take depositions, there came before me at the law offices of Lyne S. Metcalfe, jr., Insurance Exchange building, at the southeast corner of Fifth and Olive streets, in the city of St. Louis and State of Missouri, Nicholas Berg, Philip Lauf, M. D. Strait (recalled), Chas. R. Wolff (recalled), J. S. Crocker, jr., Charles Arnold (recalled), Obadiah S. Lee, Ed. Wichmann, Peter Phelps, John Magee (recalled), Curtis Knappsteadt,
104 Francis Krauss (recalled), J. H. Vance, D. G. Jones, Ed. Caldwell (recalled), Jerry Clark, John Dieterich, John F. Walton, John H. McCarthy, Thomas W. Patterson, William H. Jones (recalled), P. A. Read (recalled), Emil Siekmann, Lewis Overhaul, John Harold, and Justin McCarthy, who were by said Frank Kraft, severally

sworn to testify the truth, the whole truth, and nothing but the truth, of their knowledge touching and concerning the said contest; wherein

105 . Gustavus Sessinghaus is contestant, and R. Graham Frost is contestee, pending in the House of Representatives of the Forty-seventh Congress of the United States; that they were severally examined in rebuttal, and their examination reduced to writing, respectively, in my presence, on the days, and between the hours, and at the place mentioned in said foregoing and annexed notices to take depositions in this cause and their said depositions are now herewith returned.

Witness my hand and official seal hereto affixed, in the city of Saint Louis and State of Missouri, this 23d day of April, A. D. 1881.

[SEAL.]

FRANK KRAFT,

Notary Public, City & County of Saint Louis, Mo.

Term expires March 13, 1882.

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